

ORDINANCE 2023 -10

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING PART II (GENERAL LEGISLATION) TO CREATE A NEW CHAPTER 60 (FINANCES) TO SET FORTH THE ESTABLISHMENT OF CERTAIN FEES AND AMENDING CHAPTER 127 (MUNCIPAL FEES), SECTION 1 (FEES ESTABLISHED) OF THE CODE OF THE BOROUGH OF CHESTER REFLECT THOSE FEES AND INCREASE THE FEE FOR THE USE OF THE OUTDOOR GRILL AT THE FIELD HOUSE.

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, the administrative and professional staff have reviewed Chapter 127 (FEES) of the Code of the Borough of Chester and made recommendations for changes and updates thereto, and

WHEREAS, the Ordinance and Finance Committees of the Chester Borough Council have recommended acceptance of the proposed changes and update to the Code of the Borough of Chester; and

WHEREAS, the Mayor and Council of the Borough of Chester have determined that it is in the best interests of the residents of the Borough of Chester to create a new Chapter 60 (FINANCES) to establish certain fees to be reflected in Chapter 127 (MUNICIPAL FEES) of the Code of the Borough of Chester; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that Part II (GENERAL LEGISLATION) is amended to create a new Chapter 60 (FINANCES) and amending Chapter 127 (MUNICIPAL FEES), Section 1(FEES ESTABLISHED) of the Code of the Borough of Chester as follows:

SECTION 1:

Chapter 60 (Finances)

§60-1 **Returned Checks.** The collection of funds, accounting thereof, and the operations of the Borough are negatively impacted when deposited checks are not honored by the Borough's banking institutions and are returned as uncollectable. Pursuant to N.J.S.A. 40:5-18, whosoever issues or tenders a check or other written instrument to the Borough which is not honored by a banking institution in which Borough has deposited that check due to insufficient funds, shall be responsible for replacement of that check or other written instrument with good and negotiable

funds together with a “Returned Check Fee”, the amount of which shall be set forth in §127-1 (Fees) of the Borough Code.

§60-2 Facility User Fees. The Borough owns various facilities within the Borough, such as the Gazebo on Main Street, Municipal Field, the Field House, which is made available for private use by individuals and organizations. Facility User Fees shall be fixed from time to time and shall be set forth in §127-1 (Fees) of the Borough Code.

SECTION 2: §127-1 is hereby amended to include a Return Check Fee pursuant to Chapter 60 (Finances), §60-1 in the amount of \$20.00.

SECTION 3: §127-1 concerning Ch. 9, Art. II (Board of Recreation Commissioners, is hereby amended to replace the foregoing reference with Chapter 60 (Finances), §60-3 (Facility User Fees) keeping the existing fees set forth therein, but amending the additional fee for use of the outdoor grill to \$50.00.

SECTION 4: If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 5: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: This ordinance shall take effect upon passage and publication according to law.

Dated: July 18, 2023

Janet Hoven, Mayor

Attest:

Robin Ghebreal
RMC, Municipal Clerk

LEGAL NOTICE OF PENDING ORDINANCE

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 6th day of July, 2023. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on the 18th day of July, 2023 at 7:00 p.m., and during the

week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

Robin Ghebreal
RMC, Municipal Clerk