

ORDINANCE 2014-10

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 202 RELATIVE TO HISTORIC SEASONAL BUSINESS (MARKET) ACTIVITIES.

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 Mayor and Council of the Borough of Chester have duly adopted Chapter 202 of the Borough Code to permit and regulate a form of historic seasonal business (market) activities which were once prevalent in the Borough; and

WHEREAS, the Mayor and Council wish to revise Chapter 202 to more fully address public health and safety issues associated with market activities,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended as follows:

SECTION 1: Chapter 202, Section 5 (A)(12) of the Code of the Borough of Chester which concerns the requirements of an administrative site plan as part of the application for a market proprietor license, is hereby amended to add §202-5 A (12)[f] as follows:

[f] The location or locations to be used for the parking of vehicles used by the market proprietor, market employees and/or market vendors, during the market events. Use of any private property, not open to the public shall be with the written consent of the property owner or other representative authorized to act on behalf of the property owner.

SECTION 2: Chapter 202, Section 11 (K) of the Code of the Borough of Chester is hereby amended to read as follows:

K. A market proprietor shall provide a sufficient number of trash and recycling receptacles for its market activities, and empty and properly dispose of same in according with all laws. Within eight (8) hours after the close of operations, the market proprietor shall cause the site of the market, adjoining areas and roads, to be clean and free of any debris, waste, trash, and/or recycling.

SECTION 3: Chapter 202, Section 11 of the Code of the Borough of Chester is hereby amended to include the following two paragraphs:

N. Any signs related to market activities under this Chapter must fully comply with all provision of the Borough Code concerning signs. The market proprietor shall be responsible for any sign violations, irrespective of whether the sign belongs to the market proprietor or one of its vendors.

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: _____

Robert Davis, Mayor

Attest:

Valerie A. Egan, Borough Clerk

LEGAL NOTICE OF FINAL ADOPTION

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Chester, in the County of Morris, State of New Jersey, held in the municipal building on the 1st day of April 2014, and the same came up for final passage at a meeting of the said Borough Council on the 6th day of May, 2014 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

Valerie A. Egan, Municipal Clerk