

ORDINANCE 2020-08

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF CHESTER, PART II (GENERAL LEGISLATION), CREATING A NEW CHAPTER 190 ENTITLED “EMERGENT PROVISIONS” OF THE BOROUGH CODE

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 Borough of Chester is vested with certain police powers to promote and protect public safety and health; and

WHEREAS, Coronavirus disease 2019 (“COVID-19”) is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, on February 3, 2020, the Governor of the State of New Jersey issued Executive Order No. 102, creating a State Coronavirus Task Force, to coordinate the State’s efforts to appropriately prepare for and respond to the public health hazard posed by COVID-19; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey issued Executive Order No. 103 which declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has since continued to issue guidelines to contain and prevent the spread of COVID-19; and

WHEREAS, the Governor of the State of New Jersey has issued additional Executive Orders intended to protect the public health against the hazards created by COVID-19; and

WHEREAS, the spread of COVID-19 has and will continue to seriously impact the health and welfare of all people, including those in the State of New Jersey and Borough of Chester; and

WHEREAS, the Governor of the State of New Jersey has issued additional Executive Orders intended to protect the public health and welfare from the hazards created by COVID-19, while addressing the economic impact of the virus; and

WHEREAS, the issuance of Executive Orders and recommendations of the CDC have occurred frequently and without the opportunity for municipalities to respond, react, adopt and adapt to same thorough the regular ordinance process; and

WHEREAS, it is necessary and appropriate to take prompt municipal action consistent with and to enhance future Executive Orders and CDC recommendations against the public health hazard of COVID-19 to protect and maintain the health, safety, and economic welfare of New Jersey residents and visitors; and

WHEREAS, the Mayor and Borough Council wish to adopt an ordinance to allow for such prompt municipal action by way of resolutions of limited duration to provide for temporary relief from the requirements of certain existing ordinances of the Borough of Chester, such as relative to outdoor dining, the Chester Area Pool season and admission thereto, as examples; and

WHEREAS, the Mayor and Borough Council wish to amend the Borough Code, Part II, and create a new Chapter 190 entitled “Emergent Provisions”; and

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 and as follows:

SECTION 1. Part II (General Legislation), Chapter 190 (Emergent Provisions) is hereby adopted as part of the Borough Code:

§ 190-1 Purpose.

The COVID-19 pandemic has caused and will continue to cause great harm to the public health, safety and economic welfare of the residents, businesses, and visitors to Chester Borough. The collective efforts of our state and federal governments in response to COVID-19 to protect the public health and safety, and most recently to re-start our economy has created an ever-changing landscape of orders, regulations, directives, and recommendations. The purpose of this Chapter 190 is to provide the flexibility for the Borough to quickly react to, adopt and adapt to that landscape in furtherance of the public health and welfare of its residents, businesses, and visitors by creating a mechanism by which the Mayor and Council may more quickly act by resolution, rather than by the more timely process of ordinance adoption.

§ 190-1 Temporary Emergent Relief.

The Mayor and Council may implement temporary policies, programs, and initiatives, and may provide temporary relief from provisions of the Borough Code in order to quickly react to, adopt and/or adapt to temporary orders, regulations, directives, and recommendations of the state and federal government to protect the health, safety, and economic welfare of the Borough residents, businesses, and visitors. By way of example, and not limitation, the governing body may provide for a Chester Recovery Day which would permit temporary signage, balloons, and deviation from approved site plans; or permit outdoor dining to enhance social distancing; or limit the season and/or occupancy of the Chester Area Pool and adopt a daily admission fee for an abbreviated season. Any such resolution shall not conflict with any existing Executive Order and shall be for a limited duration to be set forth in the resolution.

§ 190-3 Sunset Provision.

This Ordinance shall expire within thirty (30) days of the rescission or expiration of the last Executive Order issued by the Governor of the State of New Jersey relative to COVID-19 and its effects on our State.

SECTION 2. 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 3. 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 4. This ordinance shall take effect upon passage and publication according to law.

Dated: May 5, 2020

Janet Hoven, Mayor

Attest:

Denean Probasco, Municipal Clerk

NOTICE OF FINAL ADOPTION

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 5th day of May, 2020, and the same came up for final passage at a remote meeting of said Borough Council on the 16th day of June, 2020 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.

Denean Probasco, RMC
Municipal Clerk
Borough of Chester