

ORDINANCE 2019-05

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF CHESTER TO REPLACE THE RECREATION COMMISSION WITH A RECREATION COMMITTEE AND EXPAND THE RESPONSIBILITIES OF THE ENVIRONMENTAL AND OPEN SPACE COMMITTEE

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 has a Recreation Commission wanting of volunteer commissioners, which can better serve the recreational interests of the Brough if replaced by a Recreation Committee and vesting recreational lands within the responsibility of the Environmental and Open Space Committee; and

WHEREAS, the Borough of Chester wishes to promote and expand recreational activities, programs and opportunities within the Borough and for Borough residents; and

WHEREAS, the Mayor and Borough Council wish to amend the Borough Code, Part I (Administrative Legislation) Chapter 9 (Boards and Committees) Article II (Board or Recreation Commission) and Article IV (Environmental and Open Space Committee), 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 I (Administrative Legislation), Chapter 9 (Boards and Committees) Article II (Board of Recreation Commission) is hereby deleted and replaced with Article II entitled Recreation Committee; and Section 9-6 through 9-13 shall be amended to read as follows:

§ 9-6 Creation of Recreation Committee.

There is hereby created an advisory committee to be known as the Recreation Committee to provide advice to the Borough and its officials and committees for the provision of recreational programs, activities, opportunities and events, within the Borough and for the benefit of Borough residents.

§ 9-7 Powers and duties.

The Recreation Committee shall have the following powers and duties:

A. Conduct research concerning recreational programs, activities, opportunities and events, within the Borough and for the benefit of Borough residents and may coordinate with the activities of any bodies organized for similar purposes, and may, with prior Mayor and Council approval, advertise, prepare, print and distribute books, maps, plans and pamphlets which it deems necessary.

B. Keep a record of recreational programs, activities, opportunities and events, reviewed or discussed by the Committee; and implemented or offered by the Borough, and evaluate same, with recommendations to the Recreation Director and Borough Administrator.

C. Meet with the Recreation Director, who may attend the Committee's meetings, to offer comments, thoughts, and recommendations concerning recreation programs, activities, opportunities and events within the Borough and for the benefit of Borough residents.

D. Make recommendations to the Recreation Director, Borough Administrator, and Mayor and Council concerning recreation programs, activities, opportunities and events within the Borough and/or for the benefit of Borough residents.

E. Study and make recommendations concerning recreation programs, activities, opportunities

and events within the Borough and/or for the benefit of Borough residents.

F. Make comments, recommendations, and/or findings on issues presented to it by the Mayor and Council, Administrator, and/or Recreation Director.

G. Assist the Borough in the establishment of recreation programs, activities, opportunities and events within the Borough and/or for the benefit of Borough residents.

H. Develop a dialogue with other neighboring municipal recreation committees, departments, and directors to explore and expand recreation programs, activities, opportunities for the benefit of Borough residents.

I. Periodically review its function and submit recommendations to the Mayor and Council as to whether additional duties should be assigned or delegated to the Committee.

J. Assist the Borough in the evaluation, establishment, and implementation of recreation programs, activities, opportunities and events within the Borough and/or for the benefit of Borough residents.

§ 9-8 Membership; terms; compensation; vacancy.

The membership of the Recreation Committee shall be appointed by the Mayor and shall consist of four (4) members who shall be citizens and residents of the Borough. The Committee members first appointed shall hold office for one, two, and three-year terms respectively, in such manner that the term of one member shall expire in each year. Thereafter, their successors shall be appointed for terms of three (3) years, and all future appointments shall be made at the Borough's annual reorganization meeting. Appointments to fill a vacancy shall be for the unexpired term of the departing member.

§ 9-9 Meetings and attendance.

The Recreation Committee shall meet regularly at least once each month in connection with the performance of its duties and for the consideration of recreation programs, activities, opportunities and events within the Borough and/or for the benefit of Borough residents. Any Committee member who does not attend two-thirds of the meetings for any calendar year may be discharged from the Committee by resolution of the Mayor and Council, and in this event a successor member shall be appointed to serve for the unexpired term.

§ 9-10 Recreation funds.

All moneys received by the former Recreation Commission or by the Recreation Committee shall be paid over to the municipal treasurer and kept in a special fund, which shall be designated for recreational purposes within Chester Borough or for the benefit of Borough residents, including but not limited to recreational programs; recreational events; salary of Borough employees such as the Recreation Director and park attendants; defraying the expenses of improving, maintaining or expanding recreational facilities, playgrounds, fields, and recreation places within the Borough.

§ 9-11 Reserved.

§ 9-12 Reserved.

§ 9-13 Reserved.

SECTION 2. Borough Code Part I (Administrative Legislation), Chapter 9 (Boards and Committees) Article IV (Environmental and Open Space Committee), Sections 9-37; 9-38(A), 9-39(A), with the addition of a new Section 9-39(M) and Section 9-40 is hereby specifically amended with underlined changes set forth as follows:

§ 9-37 Committee established; purpose.

There is hereby established an advisory committee to be known as the Environmental and Open Space Committee to provide advice to the Borough and its official and boards for the protection and/or development or use of the natural resources, environmentally sensitive land areas, and open space located within the Borough, including recreational areas, parks, playgrounds and playing fields.

§ 9-38 Membership; term of office.

A.

The Environmental and Open Space Committee shall consist of five members and two alternates, all of whom are to be appointed by the Mayor with the advice and consent of the Council. All members of the Committee shall be residents of the Borough.

§ 9-39 Powers and duties.

A.

The Environmental and Open Space Committee shall have the power to conduct research in the use of environmentally sensitive land areas and open space within the Borough, including recreational areas, parks, playgrounds and playing fields, and may coordinate with the activities of any bodies organized for similar purposes, and may, with prior Council approval, advertise, prepare, print and distribute books, maps, charges, plans and pamphlets which it deems necessary.

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M.

The Environmental and Open Space Committee shall review and recommend rules and regulations concerning protection and/or development or use of the natural resources, environmentally sensitive land areas, and open space located within the Borough, including parks, playgrounds and playing fields.

§ 9-40 Permits.

A. Permits for special events in parks and recreation areas and facilities shall be obtained by application to the Approving Authority with a copy to the Recreation Director. A person seeking issuance of a permit hereunder shall file an application stating:

- (1) The name and address of the applicant.
- (2) The name and address of the person, persons, corporation or association sponsoring the activity; if any.
- (3) The day and hours for which the permit is desired.
- (4) The park or portion thereof for which the permit is desired.
- (5) Any other information reasonably necessary to make a determination as to whether a permit should be issued hereunder.
- (6) Any variances required from park rules and regulations.

B. Standards for issuance of a permit shall include the following findings:

- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
- (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (3) That the proposed activity or use that is reasonably anticipated will not include violence, crime or disorderly conduct.
- (4) That the proposed activity will not entail extraordinary or burdensome expense or police assistance by the Borough.
- (5) That the facilities desired have not been reserved for other use on the date and hour requested in the application.

C. Appeal.

- (1) Within twenty (20) days after the receipt of an application, the Approving Authority shall advise an applicant in writing of their decision to grant or deny a permit; in the event of a denial, the

notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the Borough Mayor and Council by serving written notice thereof on the Borough Clerk within five (5) working days of said refusal.

- (2) The Borough Council shall decide within ten (10) days from the receipt of the appeal by the Borough Clerk, or at its first meeting after the appeal, whichever is later. The decision of the Borough Council shall be final.
- D. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
- E. An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities, in such amounts as may from time to time be determined prior to the commencement of any activity or issuance of any permit.
- F. Revocation. The Approving Authority shall have the authority to revoke any permit upon a finding of violation of any rule or ordinance or upon good cause shown.

SECTION 3. 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 4: 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 5: This ordinance shall take effect upon passage and publication according to law.

Dated: April 16, 2019

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 19th day of March, 2019, and the same came up for final passage at a meeting of said Borough Council on the 16th day of April, 2019 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