

ORDINANCE 2019-17

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF CHESTER, CHAPTER 211, SECTION 6, TO CLARIFY THE BOROUGH REFUND POLICY ON REFUNDING OF CHESTER AREA POOL FEES

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, Chapter 211, Section 6 of the Code of Chester Borough establishes annual pool member fees for the Chester Area Pool, and subparagraph B, thereof, states: “No fees are returnable for any reason after May 30 of each season, except by special approval of the Borough Mayor and Council.”; and

WHEREAS, the Mayor and Council wish clarify the Borough policy on pool membership refund requests; and

WHEREAS, the Mayor and Borough Council wish to amend the Borough Code, Part II (General Legislation) Chapter 211(Swimming Pool, Chester Area), Section 6 (Membership Fees), Subparagraph B; 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 as follows:

SECTION 1. Borough Code, Part II (General Legislation) Chapter 211(Swimming Pool, Chester Area), Section 6 (Membership Fees), Subparagraph B, is hereby amended to read as follows:

§ 211-6 (B)

No fees are returnable for any reason after May 30 of each season, it being the policy of the Borough of Chester not to refund any pool membership fees paid pursuant to this Chapter after the start of the pool season, except in the case of extreme and compelling circumstances demonstrated. Such circumstances are limited to the death of a member, or the existence of a serious medical condition to a member which would prevent use of the pool for a portion of the pool season. Any refund request must be in writing; clearly set forth nature of the extreme and compelling circumstances upon which the request is made, and shall be accompanied by an original death certificate or sworn affidavit of a licensed

physician. A refund request shall be submitted to the Borough Administrator who shall review same and make a recommendation to the Mayor and Council who shall determine if a refund is to be made and if so, in what amount. The Pool Manager shall be notified by the Borough Administrator as to the decision of the governing body. Any refund granted shall terminate the pool membership, and the member shall be prohibited from entry to the pool facility for the balance of the pool season, if any.

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: October 1, 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 3rd day of September, 2019, and the same came up for final passage at a meeting of said Borough Council on the 1st day of October, 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