

**ORDINANCE 2018-01**

**AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING THE CHAPTER 192, SECTION 25 OF THE CODE OF THE BOROUGH OF CHESTER CONCERNING THE DEFINITION OF A SIGNIFICANT SEWER USER**

**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 Borough Council wish to amend the Borough Code, Chapter 192, Section 25, which defines a “Significant User” to provide for a mechanism by which a sewer user may lose that designation;

**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 supplemented as follows:

**SECTION 1.** Chapter 192, Section 25 is hereby amended by adding the following paragraph at the end of the section:

The significant user designation may be removed by resolution of the governing body, if the user has generated less than 45,625 gallons of sewage per quarter, for each of the most recent four (4) consecutive billing quarters, as confirmed by the Borough’s wastewater treatment plant operator or consultant. If such a user subsequently generates 45,625 gallons of sewage or more in any subsequent quarter, the user shall again be designated as a significant user by the Borough’s wastewater treatment plant operator or consultant, without further action by the governing body.

**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rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.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: \_\_\_\_\_, 2018

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Janet Hoven, Mayor

Attest:

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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 16th day of January, 2018, and the same came up for final passage at a meeting of said Borough Council on the 6th day of February, 2018 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.

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Denean Probasco, RMC  
Municipal Clerk  
Borough of Chester