

ORDINANCE 2015-10

AN ORDINANCE AMENDING CHAPTER XXX, ARTICLE 7, TITLED “ZONING REGULATIONS”, SECTION 30-96.9, TITLED “PROHIBITED USES”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM PROHIBITING UNREGULATED PIPELINES IN ANY ZONING DISTRICT

WHEREAS, because certain pipelines are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities; and

WHEREAS, because these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, result in environmental degradation to the environment, including the land, water and air; and

WHEREAS, because these pipelines do not directly provide the public with necessities, such as electricity, gas, telephone, water or wastewater service; and

WHEREAS, because these pipelines may pose a threat to the infrastructure that provides these public utility services; and

WHEREAS, because these pipelines are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities, there is limited accountability to the public; and

WHEREAS, the Township Committee of the Township of Chatham believes that it is in the best interest of the health and welfare of its residents that Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, be clarified to provide that pipelines that are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities are specifically prohibited within the Township of Chatham.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, is hereby amended as follows:

30-96.9 Prohibited Uses

- a. Where a use is not specifically permitted in a zone district, it is prohibited.
- b. Pipelines that are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities are prohibited in all zone districts.

Section 2. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: March 12, 2015

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk