

**BOROUGH OF OAKLAND
ORDINANCE NO. 16-CODE-728**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF OAKLAND CHAPTER 59 LAND USE AND
ZONING, ARTICLE 7 ZONING, SECTION 59-45
REGULATIONS APPLICABLE TO ALL ZONES.**

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, these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, result in degradation to the environment, including the land, water and air; 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 Mayor and Council of the Borough of Oakland referred the issue of unregulated pipelines to be located within the Borough of Oakland to the Oakland Planning Board; and

WHEREAS, the Oakland Planning Board held a meeting and conducted a review on December 10, 2015; and

WHEREAS, the Planning Board determined that there were five specific goals and objectives of the Borough's Master Plan that would be directly supported and effectuated by an ordinance that would prohibit unregulated pipelines in all zone districts of the Borough of Oakland; and

WHEREAS, a report was provided by the Planner to the Planning Board dated December 8, 2015 outlining the goals and objectives; and

WHEREAS, the Mayor and Council of the Borough of Oakland believes that it is in the best interest of the health and welfare of its residents that Chapter 59 "Land Use and Zoning" Article 7 "Zoning", Section 59-45, "Regulations Applicable to All Zones" 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 of the State of New Jersey are specifically prohibited within all zone districts of the Borough of Oakland.

NOW, THEREFORE, be it ordained by the Mayor and Council of the Borough of Oakland as follows:

Section I. Chapter 59 "Land Use and Zoning" Article 7 "Zoning", Section 59-45,

“Regulations Applicable to All Zones” is hereby amended as follows
59-45(i) Unregulated Pipeline

Pipelines that are not public utilities that distribute services to end users and are not regulated by the State of New Jersey, Board of Public Utilities, are prohibited in all zone districts.

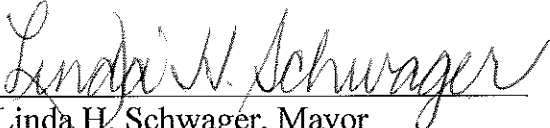
Section II. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor and Council, 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 III. Severability and Repealer

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinance or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Section IV. 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 Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16.

This ordinance shall take effect immediately upon final passage and publication in accordance with the law.


Linda H. Schwager, Mayor

ATTEST:


Lisa M. Duncan, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on January 27, 2016

Borough Clerk


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