

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2520-15

AN ORDINANCE AMENDING CHAPTER 77, ARTICLE XII, TITLED "ZONING", SECTION 77-90, TITLED "GENERAL PROVISIONS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELLE TO ADD A NEW SUBSECTION D7 PROHIBITING UNREGULATED PIPELINES IN ANY ZONE

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, would 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 water, electricity, natural gas, telephone 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 Mayor and Council of the Borough of Roselle believe that it is in the best interest of the health, safety and welfare of its residents that Chapter 77 of the Revised General Ordinances of the Borough of Roselle, Article XII, Section 77-90, title "General Provisions," 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 Borough of Roselle.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle, County of Union, State of New Jersey, as follows:

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SECTION I. Chapter 77, titled "Land Use," of the Revised General Ordinances of the Borough of Roselle, Article XII, titled "Zoning," Section 77-90, titled "General Provisions," is hereby amended to add a new Subsection D7 as follows:

§77-90. General Provisions

D. Supplementary zone district regulations.

(7) Uses, structures and buildings prohibited in the Borough of Roselle.

(a) Pipeline Prohibition: pipelines which 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 within any zone in the Borough.

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 Union 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 Borough 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 III. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Roselle 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 Borough 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.

