

EXPLANATORY STATEMENT: This ordinance amends the Township's Land Use Ordinances to modify and amend the Township Lnd Use Procedure Ordinances to prohibit unregulated pipelines in all zones of the Township.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. 13-2015

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Ordinance to Prohibit Unregulated Pipelines in Any Zone of the Township.

WHEREAS, there are certain 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; and

WHEREAS, 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, these pipelines do not directly provide the public with necessities, such as water, electricity, natural gas, telephone and telegraph communication services; and

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

WHEREAS, 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 Township Council of the Township of Berkeley Heights find it to be in the best interests of health, safety and welfare of the Township and its citizens 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 Berkeley Heights.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

Section 1. Section 6.4.1 entitled "Uses Prohibited to All Zones" of Article 6.4 entitled "Prohibited Uses" of Part 6 entitled "Zoning" of the Township of Berkeley Heights of

the Municipal Land Use Procedures Ordinance is hereby supplemented and amended to read as follows: [New language **bold and underlined**, deleted language ~~double strikethrough~~.]

Section 6.4.1 Uses Prohibited to All Zones

The following uses and activities are specifically prohibited in all zones:

- F. ~~Reserved.~~ **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 Township.**

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Berkeley Heights are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Berkeley Heights 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 Council, within 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 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his

approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 18th day of August, 2015.

ADOPTED the 6th day of October, 2015.

Robert Woodruff, Mayor

ATTEST:



Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2015

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Ordinance to Prohibit Unregulated Pipelines in Any Zone of the Township.

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on August 18, 2015 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on October 6, 2015 at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

Ana Minkoff
Township Clerk

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
DELIA	✓			
FAECHER			✓	
HALL	✓			
KINGSLEY	✓			
PASTORE	✓			
PIRONE	✓			
TIE:				
MAYOR WOODRUFF				

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON AUGUST 18, 2015:**

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Ordinance to Prohibit Unregulated Pipelines in Any Zone of the Township.

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on October 6, 2015.

**Ana Minkoff,
Township Clerk
Township of Berkeley**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
DELIA	✓			
FAECHER			✓	
HALL				✓
KINGSLEY	✓			
PASTORE	✓			
PIRONE	✓			
TIE				
WOODRUFF				