

**ORDINANCE 2018-05**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, 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 BY REPEALING SUBSECTION 30-96.9b REGARDING UNREGULATED PIPELINES.**

**WHEREAS**, on December 18, 2017, the Township Committee of the Township of Chatham adopted Ordinance 2017-20 titled “Ordinance of the Township of Chatham, County of Morris, Repealing Chapter XXX, Article 6, Section 30-64.3A of the Revised General Ordinances of the Township of Chatham titled ‘Great Swamp Watershed Overlay District Stormwater Management Ordinance’ and Replacing with a New Chapter XXX, Article 7, Section 30-83 titled Watershed Protection”; and

**WHEREAS**, Ordinance 2017-20 provides comprehensive regulation of pipelines within the Township of Chatham in order to protect environmental resources and protect from degradation to the environment, including the lands, water and air; and

**WHEREAS**, Ordinance 2017-20 makes pipelines conditional uses in the Township; and

**WHEREAS**, Ordinance 2017-20 is in direct conflict with Section 30-96.9b, which prohibits pipelines that are not public utilities and are unregulated within the Township; and

**WHEREAS**, the Township Committee desires to resolve this conflict by repealing Section 30-96.9b.

**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, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, of the Revised General Ordinances of the Township of Chatham is hereby amended by repealing Subsection 30-96.9b, specifically:

- 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: February 22, 2018

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

Adopted: April 12, 2018

Attest:

BY: \_\_\_\_\_  
Curt Ritter, Mayor

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Gregory J. LaConte, Clerk