

REVISED: 01/28/16

Introduction: 12/17/15

Public Hearing: 1/28/16

Effective: 2/24/16

TOWNSHIP OF MAHWAH
ORDINANCE NO. 1774

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF
THE TOWNSHIP OF MAHWAH, CHAPTER XXIV, "ZONING", ARTICLE 4,
"DISTRICT REGULATIONS", SECTION 4.3 "GENERAL USE
RESTRICTIONS" BY ADDING THERETO SECTION 4.3B TO PROHIBIT
UNREGULATED PIPELINES IN ANY ZONING DISTRICT IN THE
TOWNSHIP OF MAHWAH

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 environmental 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 Township Council of the Township of Mahwah referred the issue of unregulated pipelines to be located within the Township of Mahwah to the Mahwah Planning Board; and

WHEREAS, the Mahwah Planning Board held a meeting and conducted a review on November 23, 2015; and

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

WHEREAS, a report was provided by the Planner to the Planning Board dated November 25, 2015 outlining the goals and objectives; and

WHEREAS, the Township Council of the Township of Mahwah believes that it is in the best interest of the health and welfare of its residents that the Land Development

Regulations of the Township of Mahwah, Chapter XXIV "Zoning" Article 4 "District Regulations", Section 24-4.3, "General Use Regulations" 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 Township of Mahwah.

NOW, THEREFORE, be it ordained by the Township Council of the Township of Mahwah as follows:

Section I. Chapter XXIV of the Land Development Regulations of the Township of Mahwah "Zoning", Article 4 "District Regulations", Section 24-4.3 "General Use Regulations" is hereby amended as follows: ————

24-4.3b Unregulated Pipeline

1. 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 Township 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 Township 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.

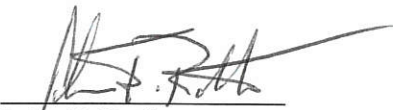
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Dated: January 29, 2016

Attest


Kathrine G. Coviello
Municipal Clerk


John F. Roth
Council President

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 28th day of January, 2016.


Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk