

**ORDINANCE 28-2015**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195-5, TITLED "PROHIBITED USES", OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON PROHIBITING UNREGULATED PIPELINES IN ANY ZONING DISTRICT**

**WHEREAS**, 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**, these pipelines do not directly provide the public with necessities, such as electricity, gas, telephone, water or wastewater service; 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 Madison Borough Council believes that it is in the best interest of the health and welfare of its residents that Chapter 195-5 of the Land Development Ordinance of the Borough of Madison, titled "Prohibited Uses", 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 Madison.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, County of Morris, State of New Jersey, as follows:

**SECTION 1:** Chapter 195-5 of the Land Development Ordinance of the Borough of Madison, titled "Prohibited Uses", is hereby amended by adding (b) as follows:

195-5 Prohibited Uses

- a. Following the effective date of this Chapter, the establishment of any use not expressly permitted by this Chapter shall be prohibited.
- 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 Borough 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 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 3: After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Madison 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.

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.

ADOPTED AND APPROVED  
April 27, 2015

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk

Introduced and passed: April 13, 2015

Published, Madison Eagle: April 16, 2015

Hearing and consideration for final adoption: April 27, 2015

Published, Madison Eagle, upon final adoption: April 30, 2015