(Revised April 28, 2015)

BOROUGH OF WATCHUNG
ORDINANCE NO. OR:15/06

AN ORDINANCE AMENDING CHAPTER XXVIII, ARTICLE 28-100, TITLED "TITLE AND PURPOSE", SECTION 28-106, TITLED "PROHIBITED USES", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO ADD A NEW SUBSECTION F 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, 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 and telegraph communication services; 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 Watchung believe that it is in the best interest of the health, safety and welfare of its residents that Chapter XXVIII of the Land Development Regulations of the Borough of Watchung, Article 28-100, titled "Title and Purpose", Section 28-106, 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 Watchung.

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

Section 1. Chapter XXVIII of the Land Development Regulations of the Borough of Watchung, Article 28-100, titled "Title and Purpose", Section 28-106, titled "Prohibited Uses", is hereby amended to add a new Subsection F as follows:

28-106. PROHIBITED USES

A. Billboards are specifically prohibited throughout the Borough.

B. Boarding houses are specifically prohibited throughout the Borough.

C. Junk yards are specifically prohibited throughout the Borough.

D. Adult bookstores, businesses showing X-rated movies or live acts, massage parlors, and other businesses dealing primarily with indecent or obscene materials, acts, or paraphernalia are specifically prohibited within any zone in the Borough.

E. All uses not expressly permitted by this chapter are prohibited.

F. 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 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 Somerset 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 Watchung 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 Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

By: Michelle DeRocco
Michelle DeRocco, Clerk

BOROUGH OF WATCHUNG

By: Stephen L. Black
~~Stephen K. Pote~~, Mayor
Stephen Black, Acting

Introduced by: Joren

Passed: May 7, 2015

Published: May 14, 2015

Adopted: May 21, 2015