

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2017-13

ORDINANCE AMENDING CHAPTER 189 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK

BE IT ORDAINED by the Township Council of the Township of Pequannock, County of Morris, as follows:

Chapter 189 "Zoning" of the Revised General Ordinances of the Township of Pequannock are hereby amended by the inclusion of new **Subsection 189.14** to be entitled "Pipelines" which shall read in its entirety as follows:

Purpose.

The purpose of this Ordinance is, to the extent permitted by State and federal law, to establish reasonable and uniform limitations, safeguards and regulations for present and future pipelines related to the transportation of oil and gas or other materials deemed hazardous by the Township through the Township to protect the health, safety and general welfare of the public; minimize the potential impact to property and persons; to the extent permitted by law, provide for separation between residential uses and incompatible pipeline uses; protect the quality of the environment; and encourage the safe and orderly transport of oil and gas resources.

Definitions.

Pipeline - All parts of those physical facilities which gas or oil move in transportation, including but not limited to pipe, valves and other appurtenance associated with the pipe, whether or not laid in public or private easement or public or private right-of-way within the Township.

Pipeline Corridor - The pipeline pathway defined by rights-of-way and easements in which the gas or oil pipelines are located, including rights-of-way and easements over and through public or private property.

Pipeline Operator - Any person owning, operating or responsible for operating a pipeline.

Regulated Pipeline - A pipeline that under federal and state rules and regulations is not exempt from Township regulations and ordinances regarding construction standards or reporting requirements.

Unregulated Pipeline - A pipeline that under federal and state rules and regulations is exempt from Township regulations and ordinances regarding construction standards, safety standards or reporting requirements.

Pipeline Information.

All pipeline construction shall require site plan approval from the appropriate Township Board, in accordance with Section 189.10.030 entitled "Site plan approval." Site plan submission, as part of the required landscape plan, shall include a revegetation and restoration plan.

Pipeline Location.

A pipeline corridor shall be sited so as to avoid significant impacts to resources (e.g., wetlands, floodplain, steep slopes/topography) to the maximum extent feasible.

Setback Requirements.

Pipeline Corridor. No significant private land disturbance or construction or expansion of structures are allowed within the pipeline corridor.

1. The pipeline corridor shall be of sufficient width so as to provide, within the pipeline, a 30 foot setback from the edge of all corridor boundaries.
2. The Zoning Officer and/or Construction Official may expand the required setback when necessary due to site specific conditions such as extraordinary land disturbance and topography.
3. Exemptions. Municipal rights-of-way.

State and Federal Compliance.

The applicant shall comply with all applicable State and Federal regulations and shall provide copies of the obtained State and/or Federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance.

Emergency Response Plan.

Prior to development, the applicant shall provide the Township Police Department, Fire Department, Zoning Officer and Construction Official with a copy of its Emergency Response Plan. Also, applicant/operator shall, at its sole cost and expense, provide to the Township Police Department, Fire Department, Zoning Officer and Construction Official, appropriate site orientation with adequate information and yearly training on dealing with any potential dangerous conditions that may result from development activities.

Pipeline Corridor Protection Requirements.

The purpose of this section is to ensure that the pipeline pathway defined by rights-of-way and easements are protected during construction as required below:

1. No significant land disturbance or construction is allowed within the defined right-of-way or easements transmission pipeline corridors.
2. Pipeline corridors shall be identified and protected during construction by placement of a temporary barricade and on-site notices as approved by the Construction Official. Barricades and on-site notices are subject to review by the Zoning Office and/or Construction Official.
3. On sites that directly abut or are located within the pipeline corridor, the Township shall verify that applicants and designees have notified utilities before issuing development permits for land disturbance or other significant work.

Delivery Hours.

Except in an emergency, materials, equipment, tools or pipes shall not be delivered to or removed from a pipeline construction site through streets within a residential zone between the hours of 9 p.m. and 7 a.m. of the next day. Except in an emergency, materials, equipment, tools or pipes shall not be delivered to or removed from a pipeline construction site through streets within a residential zone on Saturday or Sunday.

Post-Installation Requirements.

After completion of back filling and compacting of the pipeline ditch, the site shall be returned to grade where practical and the excess soil shall be removed to an appropriate disposal site.

Spills.

Where pipeline segments carrying hydrocarbon liquids pass through sensitive resource areas (e.g., wetlands, floodplain, steep slopes/topography) as identified by the project environmental

impact statement, provisions identified in the environmental impact statement shall be applied to minimize the amount of liquids released into sensitive areas in the event of a spill. The potential for damage in those areas shall be minimized by considering spill volume, duration and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and clean up (e.g., catch basins to contain a spill) shall be included as part of the required emergency response plan.

Additional Development Standards.

1. Performance Bond. A two year performance bond shall be provided in an amount sufficient to ensure completion of requirements of the approved revegetation and restoration plan and shall be released upon satisfactory completion and confirmation that the revegetation is successful.
2. Inspection of Disturbed Areas. Disturbed areas shall be jointly inspected by the applicant and Township representative 12 months after completion of construction to assess the effectiveness of the revegetation and restoration plan. This inspection shall continue on an annual basis to monitor progress in returning the site to pre-instruction conditions or until additional monitoring is not deemed necessary by the Township. Inspection results shall be submitted annually to the Township and additional treatment of the site shall be applied as deemed necessary by the Township.
3. Visual Compatibility. Above-ground sections of the pipeline and related facilities, excepting those installed on a temporary basis for a testing period not to exceed 12 months, shall be visually compatible with the present and anticipated surroundings by use of any and all of the following measures, where applicable: buffer strips; depressions, natural and artificial; screen plantings and landscaping continually maintained and camouflage and/or blending colors.
4. Noise. Proposed facilities shall be designed and housed so that the noise generated by the facilities as measured at the property boundaries, right-of-way or easement shall be equal to or below the existing noise level of the surrounding area except under temporary testing or emergency situations. Measures to reduce adverse impacts (e.g. due to noise, vibration) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations.

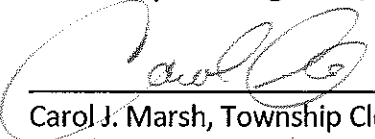
Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

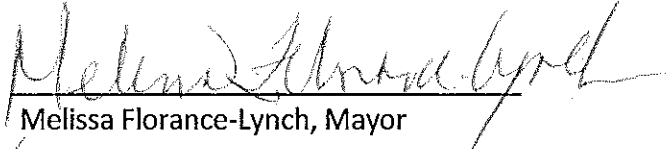
Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: August 8, 2017

Adopted: August 22, 2017



Carol J. Marsh, Township Clerk



Melissa Florance-Lynch, Mayor