

**TOWNSHIP OF HILLSBOROUGH**

**ORDINANCE NO. 2005-47**

**AMENDMENT TO 2005-31, AN ORDINANCE AMENDING CHAPTER 188 OF  
THE CODE OF THE TOWNSHIP OF HILLSBOROUGH REGULATING  
DEVELOPMENT NEAR PIPELINES CONTAINING POTENTIALLY  
HAZARDOUS MATERIALS**

*WHEREAS*, there have been several recent development applications in Hillsborough Township near pipelines containing potentially hazardous materials; and

*WHEREAS*, these development applications near pipelines containing potentially hazardous materials have raised safety concerns; and

*WHEREAS*, in recognition of the potential hazards near pipelines, the Township adopted Ordinance 2005-31 on September 13, 2005 which provides regulations for development near pipelines.

*NOW, THEREFORE, BE IT ORDAINED* by the Township Committee of the Township of Hillsborough, Somerset County, New Jersey, that Ordinance 2005-31, adopted September 13, 2005, is hereby amended and supplemented to include the following:

1. Amend Section 188-3 to include the following definitions:

DISTRIBUTION LINE-A pipeline other than a gathering or transmission line.

GATHERING LINE- A pipeline that transports gas from a current production facility to a transmission line or main.

LAND DISTURBANCE- Any activity involving the clearing, cutting, excavation, filling, or grading of land or any other activity that alters land topography or vegetative cover that involves the area below the first twelve (12) inches of the soil profile, excluding the installation of fence posts, sheds, decks and any other activity that alters land topography or vegetative cover necessary for the planting of trees and shrubs within this area.

PIPELINE- Any conduit through which natural gas, petroleum, oxygen or other flammable or combustible products, or any of their products or by-products, which are considered potentially hazardous, is conveyed or intended to be conveyed. The definition of pipeline shall include compressor plants and other facilities integrated with pipeline operations.

SERVICE LINE- A distribution line that transports natural gas from a common source of supply to: (1) a customer meter or the connection to a customer's piping, whichever is further downstream, or (2) the connection to a customer's piping if there is no customer meter. The customer meter is the meter that measures the transfer of gas from an operator to a customer.

TRANSMISSION LINE- A pipeline, other than a gathering line, subject to pressures of one hundred twenty-five (125) or more PSI (pounds per square inch), that: (1) transports gas from a gathering line or storage facility to a distribution line, distribution center, or storage facility; (2) operates at a hoop stress of twenty percent (20%) of SMYS (specific minimum yield strength); (3) transports gas within a storage field.

2. Amend Section 188-75 to create a new subsection regulating development near pipelines containing potentially hazardous materials:

175-C. Pipelines.

- (1) No new building construction or land disturbance shall be permitted within seventy-five (75) feet of the right of way of any distribution, gathering or transmission line as defined in this Chapter.
- (2) No building or structure or part thereof, which is used for the manufacturing, processing, generation or storage of corrosive, highly toxic, oxidizing, pyrophoric, water reactive, highly combustible, flammable or explosive materials that constitute a high fire, explosion or health hazard, including loose combustible fibers, dust and unstable material, shall be constructed within one hundred twenty-five (125) feet of the right of way of any distribution, gathering or transmission line.
- (3) The provisions of this section shall not apply to the following:
  - A. Any land disturbance or construction involved in the crossing of a pipeline to provide access to a property, when no other reasonable access is permitted, or the crossing of a pipeline is required to provide utility service to the property.
  - B. Any work done to any building, land disturbance or construction on a pipeline by or on behalf of the owner or operator of any pipeline.
- (4) All development applications shall indicate the following information in addition to any other information required in this Chapter or in the Municipal Land Use Law:
  - A. Location, size, SMYS, maximum allowable operating pressure, location class (as defined by the United States Department of Transportation, in the State of New Jersey), and operating hoop stress (as a percentage of the SMYS), of all pipelines located upon the subject property, as surveyed by a professional land surveyor licensed in the State of New Jersey.
  - B. The location of all on-site pipeline easements and rights-of-way.

- C. The approximate location, based upon approximate field measurements supplied by the respective owner, and the size, maximum allowable operating pressure, location class (as defined by the United States Department of Transportation, in the State of New Jersey), and operating hoop stress (as a percentage of the SMYS), of all off-site pipelines within seventy-five (75) feet of the subject property.
  - D. The approximate location of all off-site pipeline easements and rights-of-way within seventy-five (75) feet of the subject property, as depicted on Township Tax Maps or other documents accepted by the approving Board.
  - E. Cross-sections and profiles of the pipeline in permitted areas of disturbance within seventy-five (75) feet of the pipeline, showing existing and proposed conditions and improvements.
- (5) The approving Board may permit the encroachment upon the buffer provided for in this section upon a demonstration that the service application of this section would result in particular and exceptional practical difficulties or undue hardship caused by reason of exceptional narrowness, shallowness or shape of the property, or by reason of exceptional topographic conditions or physical features uniquely affecting a property, or by reason of extraordinary and exceptional situations uniquely affecting a property or the structures lawfully existing thereon.

*Introduced: 10/11/05*  
*Published: 10/20/05*  
*Public Hearing: 11/9/05*  
*Adopted:*  
*Published:*

**ATTEST:**

**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By: \_\_\_\_\_  
Kevin P. Davis, Clerk/  
Administrator

By: \_\_\_\_\_  
Robert C. Wagner, Jr., Mayor