

**Ordinance #09-11**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 165, LAND DEVELOPMENT REGULATIONS, OF THE BOROUGH CODE**

**WHEREAS**, the Chapter 165, Land Development Regulations, of the Borough Code sets forth the Land Use Regulations for the Borough of Chatham; and

**WHEREAS**, the Mayor and Council have determined that it is in the best interests of and will protect and promote the health, safety and welfare of the Borough of Chatham and its residents that Chapter 165 be amended and supplemented to include additional provisions clarifying the nature and extent of permitted land uses within the Borough;

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

**Section 1:**

Chapter 165 of the Borough Code, LAND DEVELOPMENT REGULATIONS, is hereby amended and supplemented as follows:

A. Section 165-10, Definitions, is hereby amended to include the following new or amended, definitions with additional provisions underlined and deleted provisions ~~stricken through~~. Any existing definitions in Section 165-10, Definitions, not amended or repealed herein remain in full force and effect.

RETAIL SERVICES – Establishments providing services, as opposed to products to the general public, including but not limited to, finance, real estate and insurance, travel agencies, health, educational and social services, museums and galleries. Specifically excluded from Retail Services are tattoo parlors and body piercing establishments.

B. A new Section 165-13.1 is hereby added and adopted to provide as follows:

**§ 165-13.1 - PROHIBITED USES**

- A. Any use not specifically listed as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use. This prohibition shall be liberally construed as protective of the zoning scheme and any doubt shall be resolved in interpreting the doubtful use as prohibited.
  
- B. The following uses are expressly prohibited in each and every zone in the Borough of Chatham. The list is not all inclusive and is not intended to limit the types of uses that are prohibited. In each zone in this chapter there is a list of uses permitted within the zone with the express intention that all other uses not listed as a permitted use for the zone are prohibited. It is not intended that the following list of prohibited uses shall in any way evidence and intent that a use not listed is permitted.
  - 1. Tattoo parlors and establishments of any nature whatsoever which utilize needles for the purpose of making indelible markings upon the body by the insertion of pigment under the skin or by production of scars.
  
  - 2. Body piercing establishments. For purposes of this section, the term “body piercing” means the piercing of any portion of the human body for the placement of any type of jewelry or other ornamentation, other than ear lobe piercing as exempted by N.J.A.C. 8:27-9.1.
  
  - 3. Sale, rental, display, manufacture, distribution, processing or storage of paraphernalia relating to controlled dangerous substances as defined by N.J.S.A 2C:36-1, et seq

**Section 2.**

All other provisions of Chapter 165 not amended or supplemented herein remain in full force and effect.

**Section 3.**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**Section 4.**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**Section 5.**

This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

INTRODUCED: July 13, 2009

ADOPTED: \_\_\_\_\_, 2009

APPROVED: \_\_\_\_\_  
V. Nelson Vaughan, III, Mayor

Attest:

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Susan Caljean, Borough Clerk