

**BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**ORDINANCE 19-04
INTRODUCTION DATE: 05-28-19
ADOPTION DATE: 06-10-19**

**AN ORDINANCE OF THE BOROUGH OF ROOSEVELT AMENDING
THE BOROUGH CODE TO INCLUDE NEW CHAPTER 18: "FIBER OPTIC CABLES"**

WHEREAS, the Borough of Roosevelt receives requests from various business entities engaged in fiber optic and other cable communications industries seeking the Borough's approval for the use of right-of-way, streets, other municipally owned property; and

WHEREAS, requests of the kind described can involve substantial review by the Borough before approvals can be granted, often involve the excavation of streets, the provision of additional police services during installation with the concomitant disruption of traffic and public inconvenience and also involve additional time and expense for inspection and expense arising out of potential liability; and

WHEREAS, the Borough remains committed to being supportive of emerging innovative technology that fiber optic and other cable offers to its users in compliance with New Jersey law, but not at the expense of burdening Borough taxpayers;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey, that the Borough's Revised General Ordinances are hereby amended to include new Chapter 18: "Fiber Optic Cables" as follows:

CHAPTER 18 FIBER OPTIC CABLES

§ 18-1 Applicability of application process and license or permit fee schedule.

In order to implement the purposes of this chapter, the application process and license or permit fee schedule provided hereafter shall apply.

§ 18-2 Application requirements.

Every applicant for the installation of fiber optic or other cable or for the use of a public utility easement shall submit to the Borough Engineer:

- A. A plat showing the proposed location of the fiber optic or proposed installation;
- B. A depiction indicating whether the proposed installation is overhead or underground;
- C. Copies of all easements proposed to be used which have previously been granted to utilities; and
- D. All consents for the use of any such easements by the applicable utilities.

§ 18-3 Requirements of applications recommended for approval.

Every application recommended for approval by the Borough Engineer, if approved by the Mayor and Council, will require as a condition thereof the following:

- A. Payment of fee/charges in accordance with the following schedule:

- (1) An engineering and legal professional escrow for review of at least \$2,000, as determined by the Borough Engineer.
 - (2) A one-time permit fee of \$2,500.00 payable to the Borough.
- B. A certificate of insurance naming the Borough as an additional insured for general liability coverage in the amount of at least \$1,000,000.
- C. An rights-of-way use agreement, properly executed by the applicant, the form of said agreement to be approved by the Borough Attorney, which therein provides for indemnification of the Borough by the applicant, which shall hold the Borough, its officers, agents and employees harmless from any loss, claim or damage arising out of the installation, maintenance or use of the fiber optic cable installed by the applicant.

§ 18-4 License or permit period.

No license or permit issued hereunder shall be valid for a period of more than the lesser of 25 years or, if applicable, the balance of the term of an easement previously granted to a utility pursuant to Title 48 of the New Jersey Statutes.

§ 18-5 Relocation of cable interfering with planned municipal installation.

In the event that the fiber optic or other cable installation interferes with a planned municipal installation, the subject fiber optic or other cable shall be relocated by its owner in an expeditious manner within the right-of-way to a location approved by the Borough at no cost to the Borough. The owner of the fiber optic or other cable shall not pay any additional fee to the Borough due to the relocation.

§ 18-6 Exceptions.

These procedures shall not be applicable to existing easements previously granted to any entity, or to existing easements previously granted to or obtained by the present or future holder of a cable television franchise granted by the Borough of Roosevelt.

BE IT FURTHER ORDAINED that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies for their review and comment pursuant to applicable New Jersey Statutes.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect immediately upon final passage and publication.

ATTEST:

Kathleen Hart, Borough Clerk

APPROVED

Peggy Malkin, Mayor