TOWNSHIP OF BORDENTOWN

ORDINANCE #2017-26

AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN

WHEREAS, telecommunication and data technology has rapidly developed personal and business use devices and equipment that require wireless connections for both phone calls and data transmission; and

WHEREAS, personal and business use of devices that require connection to data signals to fully function have become an integral component to many residents daily lives and business; and

WHEREAS, the advancing technology and ever increasing list of devices that require connection to data networks is not anticipated to slow down in the immediate future with the deployment of what is known as Generation 5G Wireless technology; and

WHEREAS, Generation 5G Wireless deployment is expected to be served by Distributed Antennae Systems, also known as DAS, and Small Cell Network Nodes that will be installed with Right-of-Ways; and

WHEREAS, Distributed Antennae Systems (DAS), and Small Cell Network Nodes facilities generally are comprised of an antenna mounted in an elevated position and equipment cabinet that may be installed above or below the ground; the DAS or Node is connected to a carriers communications hub; and

WHEREAS, the Township of Bordentown has identified ordinance revisions necessary to facilitate the review of DAS and Small Cell Nodes within the municipal right-of-way while protecting the health safety and welfare of Township residents;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown that the Township Code is hereby amended by adding the following:

Section 1. Sub-section 25:520 of the Land Development Ordinance (LDO) is supplemented to add definitions, as follows:

DEFINITIONS:

As used in this article, the following terms shall have the meanings set forth below:

Distributed Antenna System (DAS): A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. DAS antenna node installations are typically compact.
Utility Pole: A pole that supports public utility wires and cables and is separate and distinct from a tower, pole (monopole) that supports only telecommunications equipment and antenna.

Small Network Node: A low-powered wireless technology that involves the use of antennas, two to three feet long, and radio cabinets, which are mounted on existing or new utility poles or light poles which are lawfully erected in the public right-of-way. Small network nodes augment the coverage from new and existing tower and rooftop sites, providing signal in terrain challenged areas.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure, utility pole (including within light poles and fixtures) and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. This term shall not include an existing utility pole.

Section 2. The following new sub-section 25:520 6. Telecommunications facilities within the Municipal Rights-of-Way, is added as follows:


(a) Permit Required: No person, company, firm or corporation shall construct, relocate, replace, or perform maintenance on any Telecommunication facility that involves a DAS or SNN within the Municipal Right-of-Way without first receiving permit approval from the Township Committee.

(b) Applications:
1. Complete Permit Application: In the event that the application is not certified to be complete within 45 calendar days of the date of its submission, the application shall be deemed complete upon the expiration of the 45-day period for purposes of commencing the applicable time period, unless: a. the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and b. the municipal agency or its authorized committee or designee has notified the applicant, in writing, or by electronic means, of the deficiencies in the application within 45 days of submission of the application.

a. At the discretion of the Township Administrator or Community Development Director, the separate permit required for each location where work is being performed may be waived in the case of a public utility making numerous improvements, and providing a performance guarantee for the work.
2. Applications for Telecommunication Improvements within the municipal right-of-way shall be granted or denied within 45 days of the date of submission of a complete application to the Community Development Director, or within such further time as may be consented to by the applicant.

3. The application and sketch plan shall be reviewed by the Township Engineer and the Temporary Traffic Control Plan (TCP) shall be reviewed by the Chief of Police or his/her Designee prior to the issuance of any permit by the Governing Body. The Township Engineer and Police Department may assist in the determination of a complete application and prepare reports regarding approval or denial of the application.

(e) Submission Checklist Items (Applicant to submit ten (10) copies):
1. Executed Use Agreement with owner of existing utility pole
2. Executed Right of Way Agreement with the Municipality
3. Completed Application Form (Telecommunications facilities within the Municipal Right-of-Way) with A) Survey showing the existing environs of the planned work and any information as may be required by the Director of Community Development on a checklist supplied to the applicant; B) Plans of improvements; C) Existing conditions site photos; D) Equipment Specifications; E) Traffic Control Plan; and F) Project Description
4. Completed Road Opening Permit Application

(d) General Requirements:
1. Equipment and antennas shall meet the following requirements:
   a. To improve safety and reduce visual obtrusiveness equipment cabinets and other facility improvements shall be located underground where sufficient space is provided within the ROW and outside the cartway or curbline.
   b. All cables/wires serving the wireless communications facility shall be installed in underground conduits. Wiring for the antennae from the equipment cabinet which is placed on the utility pole shall be contained in conduits, neatly arranged, and securely fastened.
   c. Antennas may be internally mounted; flush-mounted; or mounted on top of the existing utility poles.
   d. The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Equipment cabinets, when mounted on a pole, shall be a mounted a minimum of fifteen (15) feet above the ground at
the base of the pole, measured to the bottom of a cabinet. No more than two (2) cabinets may be mounted on any one pole.

(e) Fees:
   1. Application Fee (per pole/installation): $100
   2. Review and Inspection Fee (per pole/installation): $750

(f) Notice of proposed telecommunications facilities; protection of existing structures. It shall be the duty of the permittee to give notice of the proposed improvements any company whose pipes, conduits or other structures are laid in the portion of the street to be opened. Such notice shall be given at least 24 hours before commencing such opening and may be satisfied by notification to the New Jersey One-Call/811 system. The permittee shall, at his own expense, carefully support, maintain in operation and protect from injury such pipes, conduits or other structures. If any damage is caused to such structures, the permittee shall restore them at his own expense.

(g) Road Closing. Written permission to close a road to traffic must first be secured from the Police Department, and such permission shall only be valid for the time specified. The permittee may be required to give notification of such closing to various public agencies and to the general public.

(h) Violations, Penalties and Remedies. It shall be a violation of this Ordinance for any person, company, firm or corporation to construct, relocate, replace, or perform maintenance on any Telecommunication facility that involves a DAS or SNN within the Municipal Right-of-Way without first receiving permit approval from the Township Committee. Such person, company, firm or corporation shall be subject to Penalties and Remedies are set forth in Sub-Section 25:1005 of the Land Development Code.

Section 3. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 4. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5. This ordinance shall take effect immediately upon adoption and publication according to law.

INTRODUCED: OCTOBER 16, 2017
ADOPTED: DECEMBER 4, 2017