

ORDINANCE #2017-27

ORDINANCE AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO LOCATE AND OPERATE SMALL NETWORK NODES IN THE PUBLIC RIGHT OF WAY

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, pursuant to N.J.S.A 48:3-18, Verizon Wireless may use facilities that have been lawfully erected within municipal rights-of-way provided that there is the consent of the relevant municipality; and

WHEREAS, Verizon Wireless seeks consent of the Township Committee to place its telecommunication facilities aerially on utility poles or in underground conduit in the public rights-of-way within the Township for purposes of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, the Township Committee is satisfied that it is in the public interest to grant consent to Verizon Wireless in order to provide additional and innovative telecommunication facilities.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown, County of Burlington as follows:

- Section 1.** Permission is hereby granted to Cellco Partnership d/b/a Verizon Wireless to install small network nodes and other telecommunications facilities with the Township’s rights-of-way for the purpose of operating a telecommunications network in accordance with a certain Rights-of-Way Agreement attached hereto as Exhibit A and made part hereof and the terms of this ordinance are incorporated therein by reference.
- Section 2.** Verizon Wireless shall obtain, at its own expense, all necessary permits and approvals as required by applicable laws and regulations.
- Section 3.** The Mayor and Township Clerk are hereby authorized to execute the Rights-of-Way Agreement attached hereto.
- Section 4.** 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 Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.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 5.** 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 6. This ordinance shall take effect immediately upon adoption and publication according to law.

INTRODUCED: OCTOBER 16, 2017
ADOPTED: NOVEMBER 20, 2017