

TELEPHONE FRANCHISE

Chapter A278

TELEPHONE FRANCHISE

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 12-15-80 as Ord. No. 9-80. Amendments noted where applicable.]

§ A278-1. Grant of consent.

Pursuant to the provisions of N.J.S.A. 48:17-10 and N.J.S.A. 48:17-11 and subject to the provisions of § A278-4 hereof, permission and consent is hereby granted to New Jersey Bell Telephone Company, its successors and assigns to erect, construct, reconstruct, remove, locate, relocate, replace, inspect, maintain, repair and operate its communications facilities and other transmission or process equipment, including underground facilities, such as conduits, manholes, cables, subways and facilities appurtenant thereto, and aerial and buried facilities, such as cables, wires, antennas, poles, posts, supports, guys, pedestals, cable termination and distribution cabinets and all other facilities appurtenant thereto, in, through, upon, along, over, under and across all of the various public ways, sidewalks, streets, roads, avenues, highways, bridges, waterways and other public places and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Borough of Wood-Ridge for said company's local and through lines and other communications facilities in connection with the transaction of its business. All of the public ways, including by way of illustration and not of limitation, the various sidewalks, streets, roads, avenues, highways, bridges and waterways, and other public places and parts thereof, throughout their entire length located in this municipality are hereby designated and prescribed for the uses and purposes of said company as aforementioned.

§ A278-2. Location of facilities.

All poles, posts, pedestals, cabinets or other facilities hereafter to be erected, constructed, reconstructed, located, relocated, maintained, repaired or operated shall be located and placed back of the curblines where shown on the Official Map(s) of the Borough of Wood-Ridge. The poles and posts, however, shall be located within eighteen (18) inches of the face of such curblines, or as may otherwise be mutually agreed by both parties, or at the points or places now occupied by the poles, posts, pedestals, cabinets or other facilities of New Jersey Bell Telephone Company, its successors and assigns, and where there are no curblines, at other convenient points or places in, upon, along, adjacent or across the public ways, streets, roads, avenues,

highways or other public places as may be mutually agreed upon between the parties.

§ A278-3. Underground facilities; manholes.

- A. New Jersey Bell Telephone Company may bury its cables and associated equipment, fixtures, process equipment and appurtenances within the right-of-way of the various public ways, sidewalks, streets, roads, avenues, highways and other public places and parts thereof and at such locations as shall be mutually agreed upon by the parties for said company's local and through lines and communications facilities. Underground conduits shall be placed below the surface of said public ways, sidewalks, streets, roads, avenues, highways and other public places and parts thereof, and with the exception of lateral branches to curb poles and property lines and other facilities, said conduits generally shall not be constructed more than ten (10) feet from the curbline, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Underground conduits shall be placed at least eighteen (18) inches below the surface.
- B. Manholes shall be located at such points along the line of subways or underground conduits as may be necessary or convenient for placing, maintaining and operating the facilities, cables, conductors and other appurtenances or process equipment which said company may from time to time place in said subways or underground conduits and which shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

§ A278-4. Notice of work required; street opening or excavation permits.

- A. Before proceeding with any new construction or relocation work in an area covered by this ordinance, New Jersey Bell Telephone Company shall give prior notice in writing thereof

to the Borough of Wood-Ridge, by its designated representative of its intention to perform such work, including therewith a map or plan showing the location and size of such facilities. Such maps or plans are for information of the municipality only and shall not be considered as construction specifications upon which subsequent excavation or other work may proceed either by the municipality or a third party.

- B. Prior to the opening or excavating of any public ways, sidewalks, streets, roads, avenues, highways or other public places or parts thereof for the purpose of installing, maintaining or operating its underground systems as aforementioned, the company shall only be required to first obtain such street opening or excavation permits and pay such reasonable fees therefor as may be required to cover the costs of administration and inspection as provided by any ordinances regulating such openings or excavations. No building permits or zoning variances shall be required.

§ A278-5. Restoration of surfaces; encumbrances.

The surface of the public ways, sidewalks, streets, roads, avenues, highways and other public places and any pavement or other surface and/or planting disturbed by New Jersey Bell Telephone Company in constructing its facilities shall be restored to as good condition as it was prior to the commencement of work thereon. No highways or other public ways shall be encumbered for a period longer than shall be necessary to execute the work. Such restoration shall be subject to the approval of the Borough of Wood-Ridge after an inspection by its authorized representative upon completion of the work.

§ A278-6. Relocation of equipment upon notice.

Whenever a curblineline shall be established on streets where one does not now exist or where an established curblineline shall be relocated in order to widen an existing street or highway in conjunction with road construction being performed by the Borough of Wood-Ridge, New Jersey Bell Telephone Company shall change the location of its poles, pedestals and related appurtenances so that the same shall be

back of and adjacent to the new curbline so established, upon receipt of notice that the curbline has been so established, so long as the municipality has acted with reasonable care in establishing the new curbline and providing notice thereof.

§ A278-7. Joint use of company poles and other structures.

Any company or corporation having legal authority to erect and maintain poles, posts or pedestals upon any of the public ways, sidewalks, streets, roads, avenues, highways or other public places in the Borough of Wood-Ridge may jointly use the company's poles, posts, pedestals or other structures for all lawful purposes, provided that the company consents to such use and on terms and conditions acceptable to the company and not inconsistent with the provisions of the present ordinance.

§ A278-8. Reservation of space for borough use; notice of use; street vacations.

- A. New Jersey Bell Telephone Company shall provide without charge for the sole benefit of the Borough of Wood-Ridge and for as long as this ordinance shall continue in effect, space on its poles so long as said poles are occupied by the company and space, to the extent available, in its main subways existing on the date of passage of this ordinance, but not exceeding one (1) clear duct of standard size, solely to accommodate the wires or before electrical conductors required for one-way signal control in connection with this municipality's police patrol, fire alarm signal control and traffic signal control systems only, but for no other uses or purposes, either alone or in conjunction therewith, nor for circuits for the supply of electrical energy for traffic or other signals, nor for wires, conductors, cable or the equivalent which provide a means of transmitting any signal to a private commercial or residential location and which is normally provided by a nongovernmental supplier, provided, further, that no such use or attachment by the municipality shall interfere with the plant or facilities of or the use thereof by the company. All costs or expenses incurred by the company in connection therewith shall be paid by the Borough of Wood-Ridge.

- B. Before proceeding with the attachment of its wires to the poles or the placing of its electrical conductors in the main subways or manholes of the company, either by itself or by a person, firm or corporation engaged to perform such work, the Borough of Wood-Ridge shall give the company thirty (30) days' prior notice in writing. All such work shall be performed under the supervision of said company. If any or all of the said streets or highways are later taken over by the Board of Chosen Freeholders of the County of Bergen or the State of New Jersey, Department of Transportation, such Board of Chosen Freeholders or the Department of Transportation shall have such rights and privileges and shall be subject to the same terms, conditions and limitations of use as herein granted by this ordinance to the Borough of Wood-Ridge, provided, however, that satisfactory prior arrangements as may be necessary are made with the Borough of Wood-Ridge and the company for the full protection of the respective interests of each.
- C. In the event of vacation of any public streets or way by the Borough of Wood-Ridge, the municipality agrees to reserve unto New Jersey Bell Telephone Company the rights granted the company by the present ordinance.

§ A278-9. Defense and indemnification of company.

The Borough of Wood-Ridge agrees to indemnify, save harmless and in the event of suit to defend New Jersey Bell Telephone Company from and against all losses, costs, damages, claims or demands arising out of or caused or alleged to have been caused in any manner by the use or enjoyment by the Borough of Wood-Ridge of the company's utility poles, plant or facilities, including location in the subways of the company of any wires or electrical conductors of the Borough of Wood-Ridge in accordance with § A278-8 above, including all suits or actions of every kind or description brought against the company, either individually or jointly with the Borough of Wood-Ridge, or another, including those brought by employees of said municipality, for or on account of any damage or injury to any person or persons or property, caused or occasioned or alleged to have been caused by or on account of the performance of any work

by the Borough of Wood-Ridge associated with the installation or maintenance of any such wires, cables, electrical conductors or other facilities either attached to said company's utility poles or located in its main subways, or through any negligence or alleged negligence in performing such work operations, or through any act, omission or fault or alleged act, omission or fault of the Borough of Wood-Ridge, its employees or agents.

§ A278-10. Duration of franchise; duties of company.

- A. Following final passage of this ordinance and acceptance thereof by New Jersey Bell Telephone Company, the permission and consent granted herein shall continue and be in full force and effect for a period of fifty (50) years from the date of its approval by the New Jersey Board of Public Utilities as required by law, subject to the right of the company to seek such changes herein as it may deem necessary and reasonable from time to time and prior to the expiration of said period.
- B. New Jersey Bell Telephone Company for itself, its successors, and assigns, agrees to maintain its property within the Borough of Wood-Ridge in good order throughout the full term of the present ordinance, shall furnish safe, adequate and proper service within the Borough of Wood-Ridge at just and reasonable rates and, at and after expiration of term of the present ordinance, to safeguard the public interest in continuous and uninterrupted service within the Borough of Wood-Ridge.

§ A278-11. Indemnification of borough.

New Jersey Bell Telephone Company agrees to indemnify and save harmless the Borough of Wood-Ridge from and against all costs or expenses resulting from any loss of life or property, or injury or damage to the person or property or any person, firm or corporation (including, but not limited to the parties hereto and their respective officers, agents, and employees), and from any and all claims, demands, liabilities, or actions for such loss, injury or damage, caused by or arising out of road conditions resulting from any excavations,

installation, or maintenance connected with the work or equipment of said company, or both, when not attributable to the fault, failure, or negligence of the Borough of Wood-Ridge, except that if such loss, injury or damage shall be caused by the joint or concurring negligence or fault of the company and the Borough of Wood-Ridge, the same shall be borne by them to the extent of their respective fault or negligence.

§ A278-12. Franchise deemed nonexclusive.

Nothing herein contained shall be construed to grant unto said New Jersey Bell Telephone Company, its successors and assigns, an exclusive right or to prevent the granting of permission and consent to other companies for like purposes on any of the streets, roads, avenues or highways of the Borough of Wood-Ridge.

§ A278-13. Changes in form of municipality or government.

The term "borough," as used in this ordinance, shall be held to apply to and include any form of municipality or government into which the Borough of Wood-Ridge or any part thereof may at any time hereafter be changed, annexed, or merged, and the term "borough" or any other term herein used in referring to the governing body of the Borough of Wood-Ridge shall be held to apply to and include the governing body of such other form of municipality.

§ A278-14. Applicability of consent.

The permission and consent hereby granted shall apply to and cover all communications facilities of the company existing at any time and related structures, process equipment and appurtenances heretofore or hereafter erected, constructed, reconstructed, removed, located, relocated, replaced, maintained, repaired or operated by New Jersey Bell Telephone Company, its predecessors, successors or assigns within the Borough of Wood-Ridge.

§ A278-15. Repealer.

Upon adoption, this ordinance will cancel and supersede an ordinance enacted on October 25, 1905, by the Borough of Wood-Ridge.

§ A278-16. Payment for advertising costs.

New Jersey Bell Telephone Company shall pay the expenses incurred for advertising required in connection with the passage of this ordinance, after the date of its first reading, within thirty (30) days after the company has received a bill for said advertising from the publishers.

§ A278-17. Notice to company of adoption of provisions; filing of written acceptance by company.

Upon passage of this ordinance in accordance with law, the Municipal Clerk shall provide New Jersey Bell Telephone Company with written notice thereof by certified mail. Said company shall file with the Municipal Clerk, its written acceptance of said ordinance within thirty (30) days after receipt of said notice.

**DISPOSITION
LIST**

DISPOSITION LIST

The following is a chronological listing of legislation of the Borough of Wood-Ridge adopted since January 1, 2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for prior legislation.

Ord. No.	Adoption Date	Subject	Disposition
1-2005 (BOH)	2-3-2005	Sanitation amendment	Ch. 266
2005-1	2-8-2005	Public records fees amendment	Ch. 141, Art. IV
2005-2	2-8-2005	Stormwater management amendment	Ch. 216
2005-3	2-8-2005	Stormwater management amendment	Ch. 216
2005-4	2-8-2005	Mandatory recycling of waste materials amendment	Ch. 53
2005-5	2-8-2005	Mandatory recycling of waste materials amendment	Ch. 53
2005-6	2-8-2005	Property maintenance amendment	Ch. 198
2005-7	2-8-2005	Littering amendment	Ch. 170
2005-8	2-8-2005	Dogs and cats amendment	Ch. 134, Art. I
2005-9	2-8-2005	Zoning amendment	Ch. 248