

**BOROUGH OF MILLTOWN  
ORDINANCE NO. 20-1491**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
MILLTOWN TO ADD CHAPTER XXVII FIBER OPTIC CABLES**

**WHEREAS**, the Borough of Milltown receives requests from business entities seeking the Borough's approval to use, rights-of-way, easements and Borough property for the installation of fiber optic and other cable; and

**WHEREAS**, the installation of fiber optic and other cable require substantial review by the Borough and its professionals prior to approval; and

**WHEREAS**, the Borough wishes to remain supportive of these business entities without unduly burdening Borough residents with the expense of the review by the Borough and its professionals;

**NOW, THEREFORE, BE IT ORDAINED** by Borough Council of the Borough of Milltown, in the County of Middlesex and State of New Jersey, that Chapter XXVII, entitled Fiber Optic Cables is hereby added to the Revised General Ordinances of the Borough of Milltown., as follows

**CHAPTER XXVII FIBER OPTIC CABLES**

**27-1 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.

**27-2 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. An engineering and legal professional escrow for review of at least \$3,000.00, or more, as determined by the Borough Administrator in consultation with the Borough Engineer;
- b. A plat showing the proposed location of the fiber optic or proposed installation;
- c. A depiction indicating whether the proposed installation is overhead or underground;
- d. Copies of all easements proposed to be used which have previously been granted to utilities; and
- e. All consents for the use of any such easements by the applicable utilities.

**27-3 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 a one-time permit fee of \$2,500.00 payable to the Borough of Milltown
- b. A certificate of insurance naming the Borough as an additional insured for general liability coverage in the amount of at least \$2,000,000.00.
- c. An indemnification agreement, properly executed 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, the form of said agreement to be approved by the Borough Attorney.
- d. An agreement that the easement holder will permit the Borough to use the holder's easement without consideration for the installation of fiber optic or other cable for Borough operations, provided that said installation will not interfere with any fiber optic or other cable the easement holders may have previously installed in the easement area.
- e. Every grant of approval authorized by this Chapter shall require the holder of said approval to comply with the Underground Facility Protection Act, P.L., c. 118 (N.J.S.A. 48:2-73, et seq.) in the installation of its system and in providing notification of its system when installed.

**27-4 Street opening requirements.** Any underground installation of fiber optic cable, where applicable, shall be required to comply with the street opening requirements set forth in Chapter XXIII, Streets and Sidewalks, Section 23-1, Street Openings and Excavations; Permits, of the Borough Code to the satisfaction of the satisfaction of the Supervisor of the Department of Public Works.

**27-5 License or permit period; Renewal.**

a. No license or permit issued hereunder shall be valid for a period of more than the lesser of 10 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.

b. Any license or permit issued hereunder; or any easement previously granted to utility pursuant to Title 48 of the New Jersey Statutes may be extended for one (1) or more additional period(s) of not more than ten (10) years at any one time. A renewal request must be made in writing to the Mayor and Council at least six (6) months prior to the expiration of the term; and must include a renewal fee of \$500.00.

**27-6 Relocation of cable interfering with planning 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.

**27-7 Exceptions.** These procedures shall not be applicable to existing easements previously granted to any entity by the Borough of Milltown, 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 Milltown.

BE IT FURTHER. ORDAINED that Ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed but only to the extent of such inconsistency.

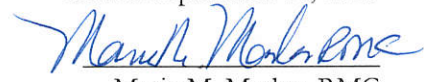
BE IT FURTHER. ORDAINED that if any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER. ORDAINED that this Ordinance shall take effect immediately upon:

- i. Adoption; and
- ii. Publication in accordance with the laws of the State of New Jersey.

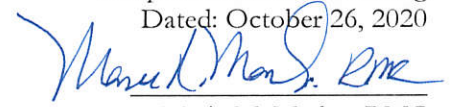
Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent
	Council President Farkas	X			
	Councilman Dixon	X			
Motion	Councilman Ligotti	X			
Second	Councilwoman Neubauer	X			
	Councilman Pareti	X			
	Councilman Zambrana	X			

Adopted on First Reading  
Dated: September 14, 2020

  
Marie M. Marlor, RMC  
Borough Clerk

Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent
	Council President Farkas	X			
Second	Councilman Dixon	X			
Motion	Councilman Ligotti	X			
	Councilwoman Neubauer	X			
	Councilman Pareti	X			
	Councilman Zambrana	X			

Adopted on Second Reading  
Dated: October 26, 2020

  
Marie M. Marlor, RMC  
Borough Clerk

Approval by the Mayor on this

  
Trina Mehr, Mayor