

ORDINANCE NO. 2019-01 (1191)

ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED “STREETS AND SIDEWALKS,” ARTICLE VIII, ENTITLED “RIGHTS OF WAY” BY ADDING SECTIONS 56-50 THROUGH SECTION 56-56 TO PROVIDE STANDARDS FOR SITING POLES, CABINETS AND ANTENNAS IN THE PUBLIC RIGHT OF WAY

WHEREAS, pursuant to *N.J.S.A.* 40:48-1 and *N.J.S.A.* 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order, and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and,

WHEREAS, the Mayor and Borough Council of the Borough of Lavallette, County of Ocean and State of New Jersey (the “Borough”) are aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities (“small cells”); and,

WHEREAS, it is “axiomatic that municipal corporations are required to exercise ordinary care to maintain their streets and sidewalks. . . [nor] may a municipality in any way surrender or impair its control over the streets.” *McQuillan On Municipal Corporations*, (3rd Edition) § 30.73; and,

WHEREAS, the Borough acknowledges that its streets “are used for the ordinary purposes of travel and other such uses as customarily pertain there-to which, in recent years, are numerous and various. It thus follows that these public ways must be kept free from obstruction, nuisances, or unreasonable encroachments which destroy, in whole or part, or materially impair, their use as public thoroughfares.” *Id.*; and,

WHEREAS, the Borough has determined that its Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exist as a common right of the public to pass and repass freely over and across said Rights-of-Way without unreasonable obstruction or interference, and in a safe and secure manner; and,

WHEREAS, the Federal Telecommunications Act preserves local government’s ability to “manage the public Rights-of-Way. . . on a competitively neutral and non-discriminatory basis.” 47 *U.S.C.A.* § 253(c); and,

WHEREAS, the Federal Telecommunications Act preserves local government’s authority over the “placement, construction and modification of personal wireless service facilities.” 47 *U.S.C.A.* § 332(c)(7)(A); and,

WHEREAS, the Federal Telecommunications Act makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless service. *U.S.C.A.* § 332(c)(7)(B)(i)(11); and,

WHEREAS, the Federal Telecommunications Act provides that municipalities “shall not unreasonably discriminate among providers of functionally equivalent services.” *U.S.C.A.* § 332(c)(7)(B)(i)(1); and,

WHEREAS, recent developments in wireless technology, specifically the development of 4G and 5G technology, involve the placement of small cells and cabinets in the municipal Right-of-Way. Fitzgerald, Drew, *Wireless Companies to Offer 5G Plans at Mobile Forum*, Wall Street Journal (February 28, 2018); and,

WHEREAS, however, New Jersey municipalities must give consent before a small cell, *i.e.*, a small antenna, can be placed on existing poles pursuant to *N.J.S.A.* 48:3-19 and for the erection of new poles within the public Rights-of-Way pursuant to *N.J.S.A.* 48:17-10; and,

WHEREAS, the Federal Communications Commission (“the FCC”) has recently adopted an Order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” WT Docket No. 17-79; WC Docket 17-84, which places a “shot clock” on municipal approval for the placement of small cells on existing poles and the placement of new poles in the municipal Rights-of-Way; and,

WHEREAS, the erection of new poles and ground level cabinets in the municipal Right-of-Way raises significant aesthetic and safety concerns; and,

WHEREAS, the FCC in its recent Order, cited above, provides that municipalities can impose aesthetic requirements on small cells where said requirements are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployment; and, (3) are published in advance; and,

WHEREAS, the FCC, in its recent Order, cited above, further clarified what it considers “reasonable” aesthetic requirements by stating that “in assessing that this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment;” and,

WHEREAS, the FCC’s requirement that, in order to protect the aesthetics of the Borough’s municipal Rights-of-Way, it must treat like infrastructure in a like manner, necessitates the introduction of broader aesthetic requirements that apply to all poles, antennas and cabinets in the municipal Rights-of-Way and not just small cells; and,

WHEREAS, the Borough has determined that the most efficient way to handle this process is to create a Right-of-Way permit system for all new poles, antennas and cabinets which are proposed to be placed in the municipal Rights-of-Way; and,

WHEREAS, the Borough's 2016 Master Plan set a goal to "[w]ork with cable, internet and fiber optic utility providers to ensure that these utilities are adequately maintained and upgraded as new technology becomes available" and recommended that the Borough "[c]oordinate with non-Borough utility service providers to insure that these providers complete service and infrastructure improvements in a timely manner to ensure that Borough residents receive adequate service;" and,

WHEREAS, ground level cabinets attached to small cells trigger certain collocation requirements, pursuant to § 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012, which raises serious concerns as to the ability of local government to protect the public's interest in the Borough's Rights-of-Ways when it comes to aesthetics, safety and the ability of the public to pass and repass over the public Rights-of-Way; and,

WHEREAS, new poles also raise concerns as to the public's interest in the Borough's Rights-of-Way as regards to aesthetics and the ability of the public to pass and repass over the public Rights-of-Way; and,

WHEREAS, new poles and ground level wireless cabinets, additionally, raise concerns related to sight triangles, minimum sidewalk width and dimensions, access to and from parked vehicles and other safety related issues related to the use of roadways and the ability of the public to pass and repass over the public Rights-of-Way; and,

WHEREAS, the Federal Highway Administration has acknowledged this problem by stating "[as] demand for the finite space in existing ROW increases, the difficulty and cost of adding new utility facilities and relocating existing utility facilities also increases. Just as significant is how utility service interruptions may add to public discontent with overall highway construction. It is therefore essential for planners, designers and builders of street and highway projects to avoid unnecessary utility relocations. . . ." Federal Highway Administration, *Avoiding Utility Relocations*, <https://fhwa.dot.gov/utilities/utilityrelo/2.cfm> (accessed March 7, 2018); and,

WHEREAS, the Borough's Land Use Board is empowered by *N.J.S.A. 40:55D-25* to assist the Governing Body of the Borough in an advisory capacity for the aid and assistance to the Governing Body or other agencies or officers as to matters of this type; and,

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of poles, cabinets and antennas for the benefit of its citizens and any utilities which use or will seek to make use of the said Borough Rights-of-Way:

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Lavallette, County of Ocean and State of New Jersey, that the Borough of Lavallette hereby amends, revises and supplements the Borough Code of the Borough of Lavallette as to Chapter 56 of the Lavallette Borough Code, Entitled "Streets and Sidewalks," Article VIII "Rights

of Way,” by adding the following language as follows:

~~Strikeout~~ means deletions and underline means additions unless otherwise noted.

§ 56-49 Permitted use between paved area of public right-of-way and abutting owner's property line.

A. In that portion of the public right-of-way extending five feet from the edge of the impervious pavement toward the abutting owner's property line, no obstructions may be placed, and that area shall remain clear and unobstructed. The only improvements that may be installed at the owner's desire are:

- (1) Curbs, sidewalks and driveways installed to meet with the specifications required within the Code of the Borough of Lavallette.
- (2) Grass (not to exceed the height of three inches).
- (3) Stones or gravel.
- (4) Pavers, bricks or anything else which is flat and provides no impediment to pedestrian passage.

B. Permit required. No person shall alter, demolish or construct any part of a public right-of-way between the improved area of the public right-of-way and an abutting owner's property line within the limits of the Borough of Lavallette without having first applied for and obtained a permit in writing to do so. Before any permit is granted, an application therefor shall be made in writing to the Zoning Official. Said application shall be signed by the applicant or the duly authorized agent of said applicant and shall designate the location whereupon it is proposed such use of the public right-of-way between the paved area of the public right-of-way and the abutting owner's property line shall be constructed. The Public Works Supervisor, Water Superintendent or, in his absence, the officials designated above shall investigate the work to be done under said application. Any drawing submitted must be to scale and must clearly indicate the dimensions of all work done.

C. If the Borough of Lavallette, its agents, assigns, heirs, successors, or representatives require access to any underground drainage or utility or for any other Borough of Lavallette purpose located within the improved area of the public right-of-way and an abutting owner's property line, then the Borough of Lavallette, its agents, heirs, successors, representatives, or assigns shall not be required to repair or replace any improvements or uses located on said property. Any necessary repair or replacement of said area shall be at the sole expense of the property owner.

§ 56-50 Rights of Way Permits; Definitions (New Section)

For purposes of this Chapter 56, the following definitions shall apply.

- a. “Anticipated Municipal Expenses” shall mean the cost of processing an application for a right-of-way permit including, but not limited to all professional fees such as engineering, planning and/or attorney fees such as are normally charged for approval escrows.
- b. “Cabinet” shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from in the municipal right-of-way.
- c. “Electrical Distribution System” shall mean the part of the electrical system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- d. “Existing Pole” shall mean a pole that is in lawful existence within the municipal right-of-way.
- e. “Ground Level Cabinets” shall mean a Cabinet that is not attached to an existing pole and is touching the ground.
- f. “Municipal Right-of-Way” shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive or the like, held by the Borough as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Ocean where the Borough’s approval is required for the use of the same pursuant to *N.J.S.A. 27:16-6*.
- g. “Pole” shall mean a long, slender, rounded piece of wood, metal or other materials.
- h. “Pole Mounted Antenna” shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells and outside distributed antenna systems.
- i. “Pole Mounted Cabinet” shall mean a Cabinet that is proposed to be placed on an existing or proposed Pole.
- j. “Proposed Pole” shall mean a Pole that is proposed to be placed in the municipal right-of-way.
- k. “Public Grounds” shall mean any lands, areas, buildings or installations owned by the Borough of Lavallette or any of its Departments, agencies or commissions, and shall include, but not limited to, the Borough Board of Education lands, areas, buildings or installations and the Boardwalk and Bayfront areas.
- l. “Right-of-Way Agreement” shall mean an agreement that sets forth the terms and conditions for use of the municipal right-of-way and includes, but is not limited to, municipal franchise agreements.

- m. “Right-of-Way Permit” shall mean an approval from the Borough Council, or designee, which sets forth that the applicant is in compliance with the requirements of this Chapter.
- n. “Surrounding Streetscape” shall mean existing Poles within the same right-of-way, which are located within five hundred (500) feet of the proposed Pole.
- o. “Borough Council” shall mean the Borough Council of the Borough of Lavallette.
- p. “Utilities Regulated by the Board of Public Utilities” shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes of the State of New Jersey.
- q. “Utility Service” shall mean electric, telephone or cable service.

§ 56-51 Application of this Chapter to Utilities Regulated By The Board Of Public Utilities; Other Entities (New Section).

Notwithstanding any franchise or right-of-way agreement to the contrary, all facilities proposed to be placed within the municipal right-of-way by a utility regulated by the Board of Public Utilities and all other entities lawfully regulating any facility, equipment, antenna, cabinet and/or other installation within the municipal right-of-way shall be subject to the standards and procedures set forth within this Chapter and shall be required to obtain right-of-way permits discussed (as above and below) for the siting of poles, antennas, cabinets and related facilities, equipment or other installation within the municipal right-of-way.

§ 56-52 Pole Mounted Antennas, Access to Right-of-Way, Right-of-Way Agreements (New Section)

- a. No person shall operate or place any type of pole mounted antenna within the municipal right-of-way without first obtaining a right-of-way permit pursuant to the provisions of this Chapter.
- b. The terms of said right-of-way agreement shall include, but not limited to:
 - i. A term not to exceed fifteen (15) years;
 - ii. Reasonable insurance requirements;
 - iii. A fine for unauthorized installations;
 - iv. A reference to the siting standards set forth in this Chapter;
 - v. Any other items which may reasonably be required for the applicant’s operation within the municipal right-of-way.
 - vi. An approved Right-of-Way permit pursuant to this Chapter.

§ 56-53 Rights of Way Permits; Siting Standards for Poles, Antennas and Cabinets in the Right-of-Way (New Section).

- a. No pole, antenna or cabinet shall be installed in the municipal right-of-way without the issuance of a Right-of-Way Permit for that installation.
- b. Pole Siting Standards.
 - i. Height. No pole shall be taller than thirty-five (35) feet or one hundred and ten percent (110%) of the height of poles in the surrounding streetscape, whichever is higher.
 - ii. Distance from the curb line: No pole shall be farther than eighteen (18) inches from the curb line.
 - iii. Location, Safety and Aesthetics: No pole shall be erected in the municipal right-of-way unless it:
 1. Is replacing an existing pole; or,
 2. Is approved pursuant to a land development application by the Borough's Land Use Board pursuant to a Land Use Application; or,
 3. Is located on the opposite side of the street from a part of the electrical distribution system; and,
 4. Is located in the municipal Rights-of-Way located in the RA, RB and RC Zones, except as noted below; and,
 5. Is two hundred (200) linear feet from any other existing pole or proposed pole along the same side of the street; and,
 6. Is not located in an area with Underground Utilities; and,
 7. Does not inhibit any existing sight triangles; and,
 8. Allows adequate room for the public to pass and repass along and across the public right-of-way; and,
 9. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties.
 - iv. Poles are prohibited in the municipal Rights-of-Way located on any public grounds.
- c. Ground Level Cabinet Site Standards.

Ground level cabinets are prohibited in the municipal Right-of-Way in the RA, RB and RC Zones and on any public grounds.

d. Pole Mounted Antenna And Pole Mounted Cabinet Siting Standards.

i. Pole Mounted Antennas are permitted on existing poles, provided that each pole mounted antenna:

1. Does not exceed three (3) cubic feet in volume; and,
2. Is finished or painted and otherwise camouflaged in conformance with best available stealth technology methods so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and,
3. Does not inhibit any existing sight triangles; and,
4. Allows adequate room for the public to pass and repass along and across the public right-of-way.

ii. Pole Mounted Cabinets are permitted on existing poles, provided that each pole mounted cabinet:

1. Does not exceed sixteen (16) cubic feet in volume; and,
2. Is finished or painted and otherwise camouflaged in conformance with best available stealth technology methods so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and,
3. Does not inhibit any existing sight triangles; and,
4. Allows adequate room for the public to pass and repass along and across the public right-of-way.

iii. The Borough may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any pole mounted antenna or pole mounted Cabinet.

§ 56-54 Application Process (New Section)

- a. Pre-Application Meeting. Prior to making a formal application with the Borough for use of the municipal Right-of-Way, all applicants are advised to meet with the Borough Engineer to review the scope of the applicant's proposal.

- b. The Borough Council shall, by resolution, approve or disapprove every right-of-way permit application based upon the recommendations provided to it pursuant to subsections (e) and (f) below.
- c. All applications made under this Section and Chapter shall be expedited so as to comply with the “shot clocks” set forth in the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment By The Removal Of Barriers To Infrastructure Investment,” WT Docket No. 17-79; WC Docket No. 17-84.
- d. Every application made under this Section and Chapter must include a stamped survey prepared by a New Jersey licensed land surveyor demonstrating that any proposed pole, cabinet or antenna is located within the municipal right-of-way. Any such application which does not include such survey shall immediately be deemed incomplete.
- e. New Poles and Ground Level Cabinets. The Lavallette Land Use Board shall, pursuant to N.J.S.A. 40:55D-25(B)(3), review all applications for the placement of new poles and ground level cabinets proposed to be located in the municipal right-of-way and advise the Borough Council of its recommendations to approve, approve with conditions or deny such applications. If the Land Use Board recommends a denial of such application, it shall set forth the factual basis for such denial in writing. If the Land Use Board recommends an approval with conditions, it shall set forth the factual basis for such conditions in writing.
- f. Pole Mounted Antenna and Pole Mounted Cabinets.
 - i. The Borough Engineer shall review all applications to place pole mounted antenna and pole mounted cabinets within the municipal right-of-way and advise the Lavallette Land Use Board and Borough Council of his or her recommendation to approve, approve with conditions or deny such applications. The provisions of subsection e above shall apply to the Engineer as to written findings.
 - ii. The Lavallette Land Use Board shall, pursuant to N.J.S.A. 40:55D-25(B)(3), review all applications for the placement of new poles and ground level cabinets proposed to be located in the municipal right-of-way and advise the Borough Council of its recommendations to approve, approve with conditions or deny such applications. If the Land Use Board recommends a denial of such application, it shall set forth the factual basis for such denial in writing. If the Land Use Board recommends an approval with conditions, it shall set forth the factual basis for such conditions in writing.
- g. If the Borough Council denies any application made under this Section and Chapter, it shall do so in writing and set forth the factual basis therefor.
- h. Waiver. The Borough Council may waive any siting standard set forth in this Chapter where the applicant demonstrates that strict enforcement of any siting standard will:

- i. Prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service, pursuant to 47 U.S.C.A. § 253(a); or,
- ii. Prohibit or have the effect of prohibiting personal wireless service, pursuant to 47 U.S.C.A. § 332(c)(7)(B)(i)(II); or,
- iii. Will violate any requirement set forth in the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment By The Removal Of Barriers To Infrastructure Investment,” WT Docket No. 17-79; WC Docket No. 17-84.

§ 56-55 Right Of Way Permit Fees And Deposit Toward Anticipated Municipal Expenses.

- a. Every right-of-way permit application must include a right-of-way permit fee in the following amounts:
 - i. One (1) to five (5) sites - \$500.00.
 - ii. Each additional site - \$100.00.
- b. Deposit toward anticipated municipal expenses.
 - i. In addition to the right-of-way permit application fee, the Borough Engineer or Zoning Officer may, in his or her own discretion, require the posting of an escrow in the amount of two thousand dollars (\$2,000.00) towards anticipated municipal expenses including, but not limited to, a planner, engineer, legal or other municipal fees related to review of an application for a right-of-way permit under this Chapter.
 - ii. The applicant’s deposit shall be deposited in an escrow account. If at any time such deposit contains insufficient funds to enable the Borough to conduct its review of the right-of-way permit application, the Borough’s Chief Financial Officer shall provide the applicant with notice of an insufficient balance. The applicant shall deposit within ten (10) calendar days of such notice, such additional deposit as shall be agreed upon by the applicant and the Borough’s Chief Financial Officer to complete the Borough’s review.
 - iii. The Borough’s Chief Financial Officer shall, upon request by the applicant after a final decision has been made by the Borough Council in accordance with this Chapter regarding the applicant’s right-of-way permit application, refund any unused balance from the applicant’s deposit toward anticipated municipal expenses.

§ 56-56 Miscellaneous Provisions.

- a. Any approval granted pursuant to this Chapter does not relieve the applicant from receiving consent of the owner of the land above which an applicant’s facility may be located upon, as required under New Jersey law.

- b. Applicant must, in addition to obtaining a right-of-way permit pursuant to this Chapter, also receive any and all necessary road opening permits, construction permits and any other permits required under the laws and statutes of the State of New Jersey and/or the Borough Code/Ordinances of the Borough of Lavallette including, but not limited to, the Uniform Construction Code.
- c. The Borough's consent to the use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall be subject to the standards and application process set forth in this Chapter. However, no such applicant shall be required to enter into a Right-of-Way Agreement with the Borough, but will be required to have a right-of-way permit.

§ 56-50 §56-57 Violations and penalties.

Any person, firm or corporation that shall be convicted of a violation of a provision of this article shall, upon conviction whereof by any court authorized by law to hear and determine the matter, be subject to a fine of no less than one hundred dollars (\$100) and no more than one thousand dollars (\$1,000), imprisonment not to exceed ninety (90) calendar days or community service of not more than ninety (90) calendar days, or any combination of fine, imprisonment and community service, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Lavallette, County of Ocean, State of New Jersey that if any word, section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall only apply to the word, section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and,

BE IT FURTHER ORDAINED that any ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and,

BE IT FURTHER ORDAINED that this Ordinance shall take effect following the adoption and approval in the time and manner prescribed by law, *N.J.S.A. 40A:60-6(b)(1)*, whereby the powers of the Borough Council permit that the Council may “pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law.”

ORDINANCE NO. 2019-01 (1191)

ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE ENTITLED “STREETS AND SIDEWALKS,” ARTICLE VIII, ENTITLED “RIGHTS OF WAY” BY ADDING SECTIONS 56-50 THROUGH SECTION 56-56 TO PROVIDE STANDARDS FOR SITING POLES, CABINETS AND ANTENNAS IN THE PUBLIC RIGHT OF WAY.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lavallette, in the County of Ocean, State of New Jersey on February 4, 2019. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Lavallette Municipal Building, 1306 Grand Central Avenue, Lavallette, New Jersey, on February 19, 2019, at 7:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein shall be given the opportunity to be heard concerning said Ordinance.

A copy of this Ordinance has been posted on the bulletin board upon which public notices are posted in the Municipal Building, 1306 Grand Central Avenue, Lavallette, New Jersey during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Lavallette, in the County of Ocean, New Jersey.

DONNELLY AMICO, RMC
Municipal Clerk

ORDINANCE NO. 2019-01 (1191)

ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED "STREETS AND SIDEWALKS," ARTICLE VIII, ENTITLED "RIGHTS OF WAY" BY ADDING SECTIONS 56-50 THROUGH SECTIONS 56-56 TO PROVIDE STANDARDS FOR SITING POLES, CABINETS AND ANTENNAS IN THE PUBLIC RIGHT OF WAY.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on February 4, 2019. It was further considered for second (2nd) reading and final passage at a meeting of the Borough Council held on February 19, 2019 at 7:00 pm at the Municipal Building, 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on February 19, 2019 and shall take effect upon publication as required by law.

(SEAL)

DONNELLY AMICO, RMC
Municipal Clerk

APPROVED:

WALTER G. LACICERO
Mayor