

TOWNSHIP OF HAINESPORT

ORDINANCE NO. 2017-11

AN ORDINANCE TO AMEND THE LAND USE ORDINANCES OF THE TOWNSHIP OF HAINESPORT TO REQUIRE ATTACHMENT PERMITS AND/OR ATTACHMENT APPLICATIONS AS PREREQUISITES TO THE INSTALLATION OF MICROCELL ANTENNA EQUIPMENT ON EXISTING INFRASTRUCTURE OR NEW INFRASTRUCTURE

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Hainesport, County of Burlington, State of New Jersey as follows:

ARTICLE I. Findings and Purposes.

- A. The Township's current ordinances concerning antenna equipment were adopted at a time when antennas were much different than today, and were typically bulky and bolted to the tops of guyed or lattice towers.
- B. While this traditional deployment still exists, and will continue to exist, there are now a variety of complementary and alternative technologies that are much smaller and provide benefits to the public.
- C. Distributed antenna system ("DAS") networks, and other "microcell" systems, use components that are a fraction of the size of the old deployments, and can be installed on new or existing utility poles, buildings, and other small structures.
- D. The purpose of this ordinance is to standardize the practice of safely installing and maintaining components of "microcell" systems throughout the municipality.
- E. The ordinance is also intended to minimize the adverse aesthetic impact of such systems on surrounding properties, while permitting reasonable reception and transmission of signals from the systems, without excessive administrative burdens or costs on the system owners, and to facilitate wireless telecommunications services to residents and businesses.
- F. It is therefore necessary and appropriate, to the extent permitted by State and federal law and regulation, to establish a local approval process to require an "attachment permit" or "attachment approval" to govern the siting, installation, and maintenance of this equipment onto existing and newly constructed infrastructure.

ARTICLE II. Microcell Unit/Infrastructure Standards and Regulations.

A. Definitions.

1. “*Applicant*” means a communications services provider which applies to install and maintain an attachment.
2. “*Attachment*” includes the placement of a microcell unit on a pole, each aerial cable, together with its associated messenger cable, guy wire, anchors and other appurtenant and incidental facilities.
3. “*Attachment Approval*” means the approval granted by the Board for a user to place, install, construct, replace, move, remove, keep, maintain, operate, or use an attachment.
4. “*Attachment Permit*” means the written authorization, issued by the construction official to the communications service provider, allowing a communications services provider to install a microcell unit in the municipality..
5. “*Board*” means the Joint Municipal Land Use Board of the Township of Hainesport.
6. “*Communications Services Provider*” means a user who provides or offers to provide cable, telecommunications, or video services pursuant to a franchise or a federal or State certificate or other authority and who has a right to use the municipal public right-of-way for the provision of those services under federal, State, or local law.
7. “*Existing Public Infrastructure*” means an improvement, equipment, or device, owned by the municipality or existing in a public right of way at the time an application is submitted.
8. “*Microcell Unit*” means a device served by a low power cellular base station or other power source, covering a limited area, and includes antennae that less than four feet long, and radio cabinets affixed to, contained in, or placed on or in a pole or other structure in a public right of way, any municipally-owned infrastructure, or an existing structure abutting a public right-of-way.
9. “*New Infrastructure*” means any structure or improvement, including poles, in a public right of way or on property owned by the municipality that is a necessary component of the application but does not exist at the time the application was submitted.

B. Attachment Permit for Existing Public Infrastructure or Private Property.

1. An applicant for an attachment permit for the installation of a microcell unit on existing public infrastructure or private property shall submit an

application to the municipal construction official on forms to be provided by the municipality.

2. When an applicant requests an attachment permit to install a microcell on existing infrastructure or on private property, the local construction official shall issue an attachment permit unless requirements established by this ordinance are not satisfied.
3. Multiple sites may be proposed in one application, and the official may issue or deny the application with respect to any or all of the permits. Each permit shall be site-specific; each location where a microcell unit is to be installed requires a separate permit.
4. The following shall be included in each application:
 - a. Specific location or locations, including tax map designations and common street addresses, proposed for installation of microcell units.
 - b. Engineering plans showing location and design of all infrastructure and microcell units proposed by the applicant.
 - c. If applicable, certification from the owner of the infrastructure upon which a microcell unit is proposed to be attached indicating that the applicant has permission to attach the microcell unit.
 - d. Certification of compliance with all applicable State and federal law and regulations.
 - e. Certification assuming responsibility for all maintenance and safety issues relative to the microcell unit.
5. The construction official shall grant the attachment approval unless (s)he determines that the applicant has failed to provide information required by this ordinance.

C. Permit Fee.

A communications services provider shall not install a microcell unit in the municipality without an attachment permit and, if applicable, attachment approval from the Board. As indicated in Section B(3) above, installation upon any site must be preceded by the issuance of an Application Permit. The fee for each permit shall be \$100.00.

D. Attachment Application for Installation on New Infrastructure.

1. An applicant seeking an attachment permit for the installation of a microcell unit on new infrastructure shall submit an application to the Board on forms to be provided by the municipality.

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1. An applicant seeking an attachment permit for the installation of a microcell unit on new infrastructure shall submit an application to the Board on forms to be provided by the municipality.
2. Notwithstanding any ordinance to the contrary, a communications services provider shall make an application to the Board, pursuant to N.J.S.A. 40:55D-25(b), for attachment approval prior to taking any action relative to an attachment in a public right of way, or on private property abutting a public right of way. The application shall be subject to the same notice requirements as all other applications to the Board for minor site plan approval.
3. The following shall be part of the application submitted to the Board:
 - a. Specific location or locations proposed for installation of microcell units.
 - b. Engineering plans showing location and design of all infrastructure and microcell units proposed by the applicant.
 - c. If applicable, certification from the owner of the infrastructure upon which a microcell unit is proposed to be attached indicating that the applicant has permission to attach the microcell unit.
 - d. Certification of compliance with all applicable State and federal law and regulations.
 - e. Certification assuming responsibility for all maintenance and safety issues relative to the microcell unit.
4. The Board shall grant the attachment approval unless it determines:
 - a. The application, if granted, would irreparably alter the unique nature and aesthetic quality of the location proposed for microcell installation,
 - b. The applicant has failed to meet all reasonable conditions required by the board pursuant to its approval of the attachment application, or
 - c. The applicant has failed to provide information required by this ordinance.
5. Upon receipt of the application, the Board shall hear the application in the same manner as all other applications to the Board.

E. Application Fees and Escrows.

Any application may include multiple sites for consideration by the Board for its approval. The application fee shall be \$350.00 per application; and an escrow of \$500.00 shall be posted for up to and including ten (10) separate sites; for each additional site, an additional escrow of \$100.00 shall be posted. Said escrow shall be paid in order to defray and cover the costs of the Board's Professionals' review of the application(s). In the event that the professionals' fees do not exceed the escrow posted, the applicant shall be refunded the balance. In the event that the applicant's fees exceed the escrows posted, the applicant shall be responsible for payment of the balance prior to the issuance of any application permits.

F. Permit Required After Board Approval.

1. After approval by the Board, the applicant shall submit the approved plans to the construction official for the issuance of a site-specific permit or permits.
2. The construction official shall issue the permit promptly once (s)he determines that:
 - a. The plans are identical to those which received Board approval, and
 - b. All conditions imposed by the Board or any other governmental entities have been incorporated into the plan.
3. The fee for each application permit shall be as set forth in Section C above.

G. Enforcement.

This Ordinance may be enforced by the Township Administrator, Construction Official or Zoning Officer.

H. Violations and Penalties.

1. If a communications services provider installs a microcell unit or performs any construction activity to prepare for the installation of a microcell unit in the municipality without the necessary approvals and permits required by this chapter, the construction official shall fine the communications services provider \$2,000 for each violation.
2. Each day that a violation of this chapter continues shall constitute a separate offense. Each location that a violation of this chapter occurs shall constitute a separate offense.

NOTICE OF PUBLIC HEARING

HAINESPORT TOWNSHIP ORDINANCE NO. 2017-11

AN ORDINANCE TO AMEND THE LAND USE ORDINANCES OF THE TOWNSHIP OF HAINESPORT TO REQUIRE ATTACHMENT PERMITS AND/OR ATTACHMENT APPLICATIONS AS PREREQUISITES TO THE INSTALLATION OF MICROCELL ANTENNA EQUIPMENT ON EXISTING INFRASTRUCTURE OR NEW INFRASTRUCTURE

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on August 8, 2017. It will be further considered for passage after a public hearing at the regular meeting to be held on September 12, 2017 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Acting Township Clerk.

Dated: *August 8, 2017*



Paula Kosko, Acting Township Clerk
Township Administrator

	Motion	Second	Yes	No	Abstain	Absent
Gilmore		X	X			
Dickinson						X
Fitzpatrick			X			
Masciocchi	X		X			
Porto			X			

NOTICE OF FINAL PASSAGE

HAINESPORT TOWNSHIP

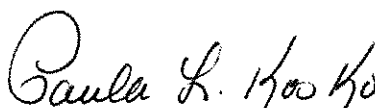
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Notice is hereby given that Ordinance No. 2017-11 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on September 12, 2017. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: 9-12-2017

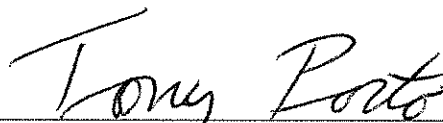


Paula Kosko, Acting Township Clerk
Township Administrator

ACKNOWLEDGMENT OF

APPROVAL BY:

Dated: 9-12-2017



ANTHONY PORTO, II
Mayor of Hainesport Township

	Motion	Second	Yes	No	Abstain	Absent
Gilmore			X			
Dickinson	X		X			
Fitzpatrick			X			
Masciocchi		X	X			
Porto			X			

Introduced: August 8, 2017

First Publication: August 15, 2017

Adoption: September 12, 2017

Final Publication: September 15, 2017