

NOTICE OF INTRODUCTION FOR FIRST READING

BOROUGH OF AVALON  
CAPE MAY COUNTY  
NEW JERSEY

ORDINANCE No. 813-2020

**ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE BOROUGH OF AVALON ENTITLED "STREETS AND SIDEWALKS" TO AUTHORIZE THE USE OF THE BOROUGH RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING CERTAIN WIRELESS TELECOMMUNICATIONS EQUIPMENT**

1. This Ordinance amends Chapter 15 of the Avalon Borough Code ("Code") entitled "Streets and Sidewalks" to allow Wireless Carriers to use some pre-approved existing utility poles located in the public right-of-way ("ROW") to install thereon certain wireless telecommunications equipment in order to enhance wireless service to customers throughout the Borough. The use of the ROW for such purposes is already approved and mandated by both federal and state law. This Ordinance is in furtherance of both the federal and state law requirements.
2. In certain limited circumstances, new poles or structures may be required. If that is the case, there is a special process established that extends from the filing of an application through an administrative appeal process and ultimately an appeal to the Federal District Court or the Superior Court of New Jersey.
3. The Ordinance includes some 18 subsections which include: Legislative Findings; Definitions; Master License Agreement; Permits and Fees and Conditions and Requirements; applications to deviate from strict ordinance requirements for demonstrated good cause; Insurance and Indemnification Requirements; procedures to suspend or revoke a permit; construction safeguards and traffic control; installation safeguards and routine and emergency maintenance procedures.
4. The Ordinance also establishes a Site Review Committee consisting of not less than 3 nor more than 5 individuals who are Borough Officers.

This Ordinance was introduced and passed on first reading on November 16, 2020 and will be further considered for second reading, public hearing and final adoption on December 16, 2020 at 4:15 p.m.

A full copy of the Ordinance is available to the public at no charge from the Borough Clerk's Office during regular business hours, or on the Borough website, [www.avalonboro.net](http://www.avalonboro.net).

C. DANIELLE NOLLETT  
Borough Clerk

Publication Date: November 30, 2020