

**BOROUGH OF FRANKLIN LAKES  
ORDINANCE NO. 1692**

**AN ORDINANCE SUPPLEMENTING THE CODE  
OF THE BOROUGH OF FRANKLIN LAKES TO  
ESTABLISH CHAPTER 377 “PUBLIC UTILITIES”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, as follows:

Section 1. The Code of the Borough of Franklin Lakes is hereby supplemented by the addition of the following:

**Chapter 377: Public Utilities**

**§ 377-1 Placement, replacement or removal of public utility pole or underground facility; notification.**

Before a public utility places, replaces or removes a pole or underground facility located on or below a public right-of-way within the Borough, the public utility shall notify the Construction Official in writing at least 24 hours prior to undertaking any excavation related to such work.

**§ 377-2 Removal and restoration.**

After completing the work specified in § 377-1, the public utility shall remove from such right-of-way any pole no longer in use as well as any other debris created by the work. This restoration shall include the installation of a hot patch as needed to restore the street or roadway to as close to its previous condition as possible. All restoration work shall take place within 90 days of the commencement of the work, except that the public utility shall not be required to complete the hot patch installation between the months of November and April. Any hot patch work that falls within this time frame must be completed by June 30 of the following year.

**§ 377-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

## **HOT PATCH**

The installation of a mixture of asphalt to restore property located within the right-of-way to its previous condition subsequent to the construction or excavation of a site required for the placement, replacement or removal of a utility pole or underground utility facility.

## **UNDERGROUND UTILITY FACILITY**

One or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for lights, heat or power or for the provision of water services or for the furnishing of telephone or other telecommunications services.

## **UTILITY POLE**

In addition to the commonly accepted meaning, any wires or cable connected thereto, and any replacements therefore which are similar in construction and use.

### **§ 377-4 Removal of poles; restoration.**

Upon the completion of the placement, replacement or removal of any utility pole or underground utility facility, the public utility shall remove from such right-of-way any utility pole or underground facility no longer in use as well as any other debris created from such placement, replacement or removal and restore the property, including, but not limited to, the installation a hot patch as needed to restore the property within the right-of-way to its previous to the greatest extent possible.

### **§ 377-5 Violations and penalties.**

For violation of any provision of this chapter, the maximum penalty, upon conviction of the violation, shall be a fine not exceeding \$100. Each and every day in which a violation exists shall constitute a separate violation.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: \_\_\_\_\_  
Frank Bivona, Mayor

ATTEST: \_\_\_\_\_  
Sally T. Bleeker, Borough Clerk

Introduced: 09-20-16  
Adopted: 10-18-16