

AN ORDINANCE GRANTING PERMISSION AND CONSENT TO NEW JERSEY BELL TELEPHONE COMPANY, ITS SUCCESSORS AND ASSIGNS, TO USE ALL OF THE VARIOUS STREETS, ROADS, AVENUES AND HIGHWAYS AND PARTS THEREOF, IN THE TOWNSHIP OF WINFIELD, UNION COUNTY, NEW JERSEY, BOTH ABOVE AND BELOW THE SURFACE THEREOF, FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF ITS LOCAL AND THROUGH LINES AND SYSTEMS IN CONNECTION WITH THE TRANSACTION OF ITS BUSINESS, AND PRESCRIBING THE MANNER OF SO DOING.

BE IT ORDAINED by the Township Committee of the Township of Winfield, Union County, New Jersey, as follows:

SECTION 1: That permission and consent be and the same is hereby granted to New Jersey Bell Telephone Company, its successors and assigns, to erect, construct, reconstruct, lay, maintain and operate its underground conduits and subways, cables, poles, posts, wires, manholes, loading coil vaults, loading coils, including the necessary street openings and lateral connections to curb poles and property lines, and its other fixtures and appurtenances, in, through, upon, along, over, under and across all of the various streets, roads, avenues and highways and parts thereof, throughout their entire length, in this Township for its local and through lines and systems, in connection with the transaction of its business, and all of the various streets, roads, avenues and highways and parts thereof, throughout their entire length, in this Township are hereby designated and prescribed for the uses and purposes of said Company as aforementioned.

SECTION 2: All poles or posts hereafter to be erected, constructed, reconstructed, maintained and operated shall be located and placed back of and adjacent to the curb lines where shown by official maps of this Township and within eighteen inches thereof, and at the points or places now occupied by the poles or posts of said Company, its successors and assigns, and at other convenient points or places upon the streets, roads, avenues and highways, adjacent to such curb lines.

SECTION 3: Said Company may construct, reconstruct, lay, maintain and operate in its subways or underground conduits, manholes and loading coil vaults, the wires, cables, loading coils and other electrical conductors and appurtenances necessary in connection therewith, for its local and through lines and systems; it may also erect, construct, reconstruct, maintain and operate the necessary distributing poles or posts, fixtures and supports, and distribute therefrom upon, along, across, over and above the surface of said streets, roads, avenues and highways and parts thereof, such wires, cables and other electrical conductors which it may find necessary to erect, construct, reconstruct, maintain and operate

in connection with the system of subways, underground conduits and man-holes aforementioned. With the exception of lateral branches to curb poles and property lines, said underground conduits shall be placed below the surface of said streets, roads, avenues and highways and parts thereof, and said conduits generally shall not be constructed more than ten feet from the curb line, unless obstructions make it necessary to deviate from such course, and all underground conduits shall be placed at least eighteen inches below the surface of the street.

SECTION 4: All manholes and loading coil vaults shall be located beneath the surface of said streets, roads, avenues and highways and parts thereof at such points along the line of the subways or underground conduits as may be necessary or convenient for placing, maintaining and operating the cables and other electrical conductors which said Company may from time to time place in said subways or underground conduits, and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the pavement and so as not to interfere with the safety or convenience of persons or vehicles traveling on or over such streets, roads, avenues and highways and parts thereof.

Before proceeding with the work of erecting any pole or poles, or of constructing underground conduits and cables, manholes and/or loading coil vaults under the permission and consent herein contained, said Company shall file with the Mayor and Committee of the Township a map or plan showing the location and size of any such proposed pole or poles, underground conduits, subways, manholes and loading coil vaults, which map or plan shall be first approved by said Mayor and Committee, or their authorized representative.

Prior to the opening or excavating of any streets, roads, avenues and highways and parts thereof for the purpose of laying, maintaining and operating its underground systems after the approval of the map and plan as aforementioned, the said Company shall first obtain a permit for such opening or excavation upon payment of such reasonable fee therefor as may be required by any ordinance regulating openings and excavations of streets.

SECTION 5: The surface of the streets, roads, avenues and highways and any pavement or flagging taken up by said Company in building its lines, shall be restored to as good condition as it was before the commencement of work thereon. No highways shall be encumbered for a longer period than shall be necessary to execute the work. Such restoration shall be subject to the approval of the Township after an inspection by its

authorized representative upon completion of the work and the payment of a reasonable fee therefor.

SECTION 6: Except as herein expressly provided for said Company shall be exempt from any fee which may be required by any ordinance regulating the openings and excavations of streets within the said Township.

SECTION 7: Nothing herein contained shall be construed to impose any obligation on the part of this Township to open any streets, roads, avenues or highways or parts thereof, not heretofore dedicated or opened to the public use, and nothing herein contained shall be construed in any court or place as an acceptance of any unaccepted street, road, avenue or highway or any part thereof.

SECTION 8: Wherever the curb line shall be established hereafter on streets where the same has not yet been established or where an established curb line shall be relocated in order to widen an existing street or highway said Company shall change the location of its poles at its own expense so that the same shall be back of and adjacent to the new curb line so established and within eighteen inches thereof, upon receipt of notice from the Township Clerk that the curb line has been so established.

SECTION 9: Upon any of the streets, roads, avenues and highways in this Township now or hereafter occupied by the poles or posts of said New Jersey Bell Telephone Company, its successors and assigns, or any other companies or corporations having legal authority to erect and maintain poles or posts, said New Jersey Bell Telephone Company and such other companies or corporations may use the same poles, provided they can agree to do so.

SECTION 10: Said Telephone Company shall provide free of charge to this Township as long as this ordinance continues in effect, space on its poles so long as said poles are occupied by said Company, for the placing by this Township of one (1) crossarm, or, in lieu thereof, two (2) pins on a crossarm of said Company to be designated by it, and space in its main subways (not exceeding one (1) clear duct of standard size) to accommodate the wires or electrical conductors required for signal control in connection with its police patrol, fire alarm telegraph signal systems and traffic signal control systems, but not to include circuits for the supply of electrical energy for the traffic or other signals; provided, however, that such crossarms, wires or electrical conductors shall not be installed, used or maintained in such manner as to interfere

with the crossarms, wires or electrical conductors which said Company, its successors and assigns, may then have or may thereafter from time to time place on its poles or in its main subways, and said Township shall indemnify and save harmless said Telephone Company from all claims or suits for damages arising from the attachment to its poles or the location in its main subways of any such crossarms, wires or electrical conductors used by this Township. Before proceeding with the attachment of its said crossarms and/or wires to the poles or the placing of its said electrical conductors in the main subways or manholes of said Company, either on the part of itself or on the part of a person, firm or corporations engaged to perform such work, this Township shall give to the said Company thirty (30) days' notice in writing in order that the work may be performed under the supervision of said Company. If any or all of the said streets or highways be later taken over by the Board of Chosen Freeholders of the County of Union, or the New Jersey State Highway Department, then such Board of Chosen Freeholders or the State Highway Department, may use the same clear duct of standard size referred to, for their respective police patrol, fire alarm telegraph and traffic signal control systems in conjunction with the Township's use thereof for similar purposes, but only after making such satisfactory arrangements as may be necessary with the Township and the Telephone Company for the full protection of each other's interests.

SECTION 11: The permission and consent given and granted by this ordinance shall continue and be in force for a period of fifty (50) years from the date of the final passage thereof, and throughout the full time of this ordinance said Company, its successors and assigns, shall furnish safe, adequate and proper service within this Township, and keep and maintain its property and equipment in such condition as to enable it to do so.

SECTION 12: Nothing herein contained shall be construed to grant unto said New Jersey Bell Telephone Company, its successors and assigns, an exclusive right, or to prevent the granting of permission and consent to other companies for like purposes on any of the streets, roads, avenues or highways of this Township.

SECTION 13: The term "Township" as used in this ordinance in its application to the Township of Winfield, shall be held to apply to and include any form of municipality or government into which this Township or any part thereof, may at any time hereafter be changed, annexed

or merged, and the term "Township Committee" or any other term herein used in referring to the governing body of this Township shall be held to apply to and include the governing body of such other form of Municipality.

SECTION 14: The permission and consent hereby granted shall apply to and cover the poles, posts, wires, cables, underground conduits and subways, manholes, loading coil vaults, loading coils, fixtures and appurtenances heretofore erected, constructed, reconstructed, maintained and operated by New Jersey Bell Telephone Company or its predecessors.

SECTION 15: Said Company shall pay the expenses incurred for advertising done in connection with the passage of this ordinance within thirty (30) days after the date of its going into effect.


Chairman, Township Committee
Harold P. Pierson

Motioned by


Harold P. Pierson

Seconded by


Arthur Weekes

DATED: May 8, 1961

NOTICE

The foregoing ordinance was introduced and approved on first reading at a regular meeting of the Township Committee held May 8, 1961, and was adopted on final reading at a regular meeting of the Township Committee held June 12, 1961, at the Township Offices, 12 Gulfstream Avenue, Winfield, N.J.


David Rees, Township Clerk.