

ORDINANCE NO. 2021-30

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AMENDING ORDINANCE 2021-15 ENTITLED SMALL
CELL EQUIPMENT AND WIRELESS POLES IN PUBLIC RIGHT-OF-
WAY.**

BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Ordinance 2021-15 is hereby amended to include the following:

SECTION I. Section 2 titled “Small Wireless Facility Siting Permit Required; Consent to Use Rights-of-Way Required” subsection A(2) entitled “Regulations” is hereby amended to read as follows:

All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-1 19, et. seq., and the administrative regulations adopted thereunder, Chapter 27 Street Excavations, Sidewalks, and Curbs, of the Code of the Borough of Belmar, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the Belmar Clerk for inclusion with the Applicant's application documents; and

SECTION II. Section Six titled “Duration” is hereby amended to read as follows:

No siting permit issued under this Ordinance shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

SECTION III. Section Nine, titled “Escrow Fee for Third-Party Professionals and Consultants” subsection A(1) is hereby amended to read as follows:

For Applicants whose proposed Small Wireless Facility deployment(s) will not require a street opening permit pursuant to Chapter 27, of the Code of the Borough of Belmar: \$5,000.00.

SECTION IV. Section Nine, titled “Escrow Fee for Third Party Professionals and Consultants” subsection B(4) is hereby amended to read as follows:

Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto; use agreements, easements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like or similar documents; and

SECTION V. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION VI. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Council of the Borough of Belmar, County of Monmouth, State of New Jersey on **September 7, 2021 at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **September 21, 2021, at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

APRIL CLAUDIO, Borough Clerk