



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #15-23**

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH
OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AMENDING VARIOUS CHAPTERS OF THE BOROUGH CODE, AND
ESTABLISHING CERTAIN REQUIREMENTS FOR THE INSTALLATION OF NEW
UNDERGROUND UTILITY SERVICES**

WHEREAS, the Mayor and Council recognize that one of the highest duties they have is to help ensure the safety, security and welfare of all of its residents; and

WHEREAS, the Borough of Florham Park is one of the most desirable locations to live and work in New Jersey; and

WHEREAS, the Borough has seen a dramatic increase in construction of new homes and businesses within this community over the last several years; and

WHEREAS, the increased level of development has resulted in a corresponding increase in the number of overhead wires throughout the Borough; and

WHEREAS, the placement and security of these wires is potentially compromised by the presence of a number of life safety hazards due to high winds and falling tree damages; and

WHEREAS, the Borough Fire Department has also expressed concern that the increase in overhead wire installation could negatively affect their ability to rapidly utilize aerial firefighting equipment thereby potentially jeopardizing the life and safety of the residents of the Borough; and

WHEREAS, over the past several years it has become apparent that the residents, business owners and tenants of the Borough have been inconvenienced by the intermittent loss of electrical, telephone and cable power services to the homes and places of business due to such things as storm damage and downed wires; and

WHEREAS, after consultation with various utility providers, they have and do recommend taking whatever actions are necessary to help ensure the safety, security and consistency of their respective building utility services; and

WHEREAS, one of the most effective ways to help ensure the maintenance of the various building service utility lines serving the homes and businesses within the Borough is to mandate that all new electrical, telephone, cable and similar services be, to the fullest extent possible, installed underground, subject to the appropriate codes, specifications, permits and any other regulations governing their installation.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Florham Park, County of Morris, State of New Jersey, as follows:

SECTION 1 - Section 208-4, "Separate Permit required to make utility connections," of Chapter 208, "Streets and Sidewalks," of the Code of the Borough of Florham Park, is hereby amended by to read in its entirety as follows:

Permission to make an opening in any street does not carry with it any right to make drainage, sewer, water, gas, electric, cable, telephone or similar connections. A separate permit to make such connection shall be obtained from the proper officials having jurisdiction.

SECTION 2 - Section 208-10, "Utility Trenches" of Chapter 208, "Streets and Sidewalks," of the Code of the Borough of Florham Park, is hereby amended by to read in its entirety as follows:

Trenches for the construction of gas, water, sewer, telephone, electric, cable or other installations shall be excavated so that the near side of the trench shall be at least three feet from the edge of the pavement. The applicant shall furnish and put in place at his own expense such shores, braces, sheeting, etc., as may be considered by the Borough Engineer or Director of Public Works necessary for the safety of the work or the public. It shall be removed as the work progresses in such manner as to prevent the caving in of the side of the trench unless ordered left in place by the Borough Engineer or Director of Public Works. Any street installations that are removed, damaged or destroyed shall be replaced, using new materials. All driveways shall be restored as directed by the Borough Engineer or Director of Public Works.

SECTION 3 - The Definition of Annual Electrical Certificate of Compliance in Section 216-7, "Definitions" of Chapter 216, "Swimming Pools," of the Code of the Borough of Florham Park, is hereby amended by to read in its entirety as follows:

Certificate issued upon successful visual inspection of the electrical equipment and wiring by an electrical subcode official/inspector to ensure that the installation is safe and meets applicable requirements of the most current version of the adopted electrical subcode (NEC 2002) and receipt of a copy of

the valid bonding and grounding certificate. (Ref. N.J.A.C. 5:23-2.18c and 2.20(d).)

SECTION 4 - Section 212-38, “Utility Easements, stormwater easements; natural features” of Chapter 212, “Subdivision and Site Plan Review,” of the Code of the Borough of Florham Park, is hereby amended by the addition of a new section D to read in its entirety as follows:

Notwithstanding any provisions in this Code to the contrary, all electrical, telephone, cable and/or similar building service utilities shall be installed underground.

SECTION 5 - Subsection Q of Chapter 260-69 “General Provisions and Requirements” of Article X “C-4 Mixed Office, Research, Laboratory and Multifamily Residential Zone,” Chapter 250 “Zoning” of the Code of the Borough of Florham Park, is hereby deleted.

SECTION 6 - Subsection P of Chapter 260-73 “General Provisions and Requirements” of Article XI, “MF-2 Multifamily Residential Zone,” Chapter 250 “Zoning” of the Code of the Borough of Florham Park, is hereby deleted.

SECTION 7 - Chapter 176, “Public Utility Poles and Facilities,” of the Code of the Borough of Florham Park, is hereby amended to include new sections 176-3 through 176-6, to read in their respective entirety as follows:

176-3. Underground Utility Installation

To the fullest extent possible, all new or re-routed electrical, telephone, cable and/or similar building service utilities shall be installed underground from a utility pole within the public right-of-way located on the same side of the street onto the property in question, and to the building it will serve. All work shall comply with the Borough Code and the appropriate codes, utility company standards and specifications adopted and in effect at the time of their installation. It is also the Borough’s desire to limit the number of underground conduits serving the property in question. Therefore, every effort shall be made by the owner or his agent to coordinate the installation of multiple underground utilities such as electrical, telephone cable and/or similar systems by utilizing one utility pole service the property in question and by combining certain utilities into one conduit as permitted by applicable codes and utility company standards. Upon completion of the underground utility installation, “as-built” plans, in scale and in a manner acceptable to the Borough indicating the location of the utilities shall be submitted to the Borough for inclusion with the appropriate permitting file.

It shall be the owner’s, applicant’s and/or agent’s responsibility to coordinate the installation with the appropriate utility as well as securing any easements, if necessary, for the timely installation. It shall be the responsibility of the owner to obtain and pay for any permits necessary for the proper installation of the work in question. In addition, it shall be the owner’s responsibility to ensure that the required inspections are conducted to ensure compliance with the appropriate codes, standards and specifications.

This section shall not apply to applications for development filed with the Borough Planning Board or Zoning Board of Adjustment.

176-4 Underground Utility Installation Appeals

All applications for the installation of new electrical, telephone, cable and similar building utility services shall, to the fullest extent possible, comply with these requirements. Where the proposed installation is technically infeasible, or is impractical due to physical features of the property, such as flood hazard potential, unstable soils or other issues, or placing utilities underground would cause a hardship, the owner, applicant and/or agent may request relief from this requirement from the appropriate Subcode or Code official. If the owner, applicant or agent is still aggrieved by the decision of the appropriate Subcode or Code official, then an appeal may be submitted to the Borough Administrator, whose decision shall be final.

176-5 Temporary or Emergency Installations

Where in the opinion of the Construction Official, after consultation with the Borough Engineer and Director of Community Services, the installation of an emergency, temporary, above-ground electrical, telephone, cable and/or similar building utility services are warranted, approval shall be given for the installation of such services on a temporary basis commensurate with the time necessary for the prompt repair and/or installation of a new or existing underground services. In no case shall an emergency, temporary above-ground service be allowed to remain for than sixty (60) days. A permit shall be required for the installation of any temporary, above-ground services.

The requirements for an underground service shall not apply in the following cases:

A. temporary electrical services installed in connection with a validly issued construction permit. The temporary electrical service shall only be allowed during which time the construction permit is open and valid.

B. The scheduled repair, replacement or upgrade of an existing above-ground service shall be permitted to remain and be restored in the same location. Note: If the building service location is changed, a new underground building service shall be required.

C. Emergency work, as per "B" above, the re-attachment of an existing electrical building service damaged due to downed wires or similar conditions shall be allowed to be re-attached and/or restored in the same location. Note: if the service location is changed, a new underground service shall be required.

176-6 Exemptions

This Chapter shall not apply to the following facilities:

A. Electric Utility Substation, pad-mounted transformers and switching facilities not located on the public right-of-way where site screening is or will be provided in accordance with an approved sites plan.

B. Electric Transmission Systems (including poles and wires) of a voltage more than thirty-five thousand (35,000) volts, and facilities where the utility providing electrical energy provides, as its owns expense, an

underground street lighting circuit including all conductors and conduit to a point on the poles at least twenty (20) feet above ground level to serve utility owned street and pedestrian lighting fixtures mounted on poles.

C. Ornamental street lighting standards.

D. Telephone pedestals and other equivalent communication facilities.

E. Police and fire sirens, or any similar Borough equipment, including traffic control equipment.

SECTION 8 – All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 9 - If any article, section, subsection, paragraph, phrase or sentence of this ordinance is for any reason declared to be invalid, such declaration shall not affect the remainder of the ordinance.

SECTION 10 - This ordinance shall take effect upon final publication as provided for by law.

INTRODUCED: November 19, 2015

ADOPTED: December 17, 2015

Mark Taylor, Mayor

ATTEST:

Sheila Williams, Borough Clerk

I HEREBY CERTIFY this to be a true and correct copy of Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on November 19, and adopted after a Public Hearing held on December 17, 2015