

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE NO. 2017-06

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE IN
ORDER TO ALLOW FOR THE ISSUANCE OF TELECOM PERMITS**

WHEREAS, the Township Committee passed Resolution No. 86-2017 which granted limited consent to Cellco Partnership, d/b/a Verizon Wireless ("Verizon Wireless") pursuant to N.J.S.A. 48:3-19 and N.J.S.A. 27:16-6 to install small-wireless-nodes, in the public rights-of-way of certain streets within the Township of Lebanon; and

WHEREAS, pursuant to such Resolution, Verizon Wireless must apply to the Township Zoning Officer for a Telecom Permit to Operate in the Right-of-Way; and

WHEREAS, it is necessary, therefore, to amend the Township's ordinances to provide for the issuance of a Telecom Permit to Operate in the Right-of-Way; and

WHEREAS, in reviewing the Township's ordinances, it was realized that Chapter 63, entitled "Officers and Employees" did not include a section establishing the office of Zoning Officer.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon that the Code of the Township of Lebanon is hereby amended as follows:

SECTION 1. Chapter 63 entitled "Officers and Employees" is hereby amended by adding the following:

Article VII Zoning Officer

§63-34 Established

There is hereby established the office of Zoning Officer.

§63-35 Appointment; term.

The Zoning Officer shall be appointed annually by the Township Committee, and when so appointed, the term shall run for one year from January 1 in the year in which he/she was appointed and until his/her successor is appointed and qualified.

§63-36 Duties.

The Zoning Officer's duties shall include, but not be limited to those set forth in Section 400-53 hereunder. The Zoning Officer also shall perform any such duties as prescribed by the Township Committee.

§63-37 Compensation.

The Zoning Officer shall receive such compensation as the Township Committee may by the Salary Ordinance provide.

SECTION 2. Section 400-15.1 entitled “Telecom Permit to Operate in the Right-of-Way” is hereby added as follows:

The Zoning Officer shall examine and make determinations regarding any Telecom Permits to Operate in the Right of Way in compliance with the conditions and requirements set forth in the Resolution of the governing body granting consent to operate in the right-of-way.

SECTION 3. Section 400-53 entitled “Zoning Officer” of the Code of the Township of Lebanon is amended by adding the following:

(8) To examine and issue Telecom Permits to Operate in the Right-of-Way.

SECTION 4. Subsection D of Section 400-54 entitled “Permits and certificates; fees” of the Code of the Township of Lebanon is amended by adding the following:

(h) Telecom Permit: \$100

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 8. This Ordinance shall take effect upon final passage and publication according to law.

Marc Laul, Mayor

ATTEST:

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk

Date of Introduction and First Reading: August 31, 2017

Date of Second Reading and final adoption: September 20, 2017

I certify that the foregoing Ordinance is a true and accurate copy of an Ordinance adopted by the Lebanon Township Committee on September 20, 2017.

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk