



# AGENDA

CITY OF CAMDEN  
CITY COUNCIL SPECIAL MEETING

*November 5<sup>th</sup>, 2020 – 5:00 p.m.*

*Honorable Curtis Jenkins, President  
Honorable Marilyn Torres, Vice President  
Honorable Victor Carstarphen  
Honorable Sheila Davis  
Honorable Angel Fuentes  
Honorable Felisha Reyes-Morton  
Honorable Shaneka Boucher*

*Honorable Francisco “Frank” Moran, Mayor*

*Michelle Spearman, City Attorney  
Howard McCoach-Acting Counsel to Council*

*Luis Pastoriza, Municipal Clerk*



# CITY COUNCIL AGENDA

## SPECIAL MEETING

THURSDAY, NOVEMBER 5<sup>TH</sup>, 2020 – 5:00 P.M.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

STATEMENT OF COMPLIANCE

NOTICE OF MEETING

### ORDINANCE 1<sup>ST</sup> READING

#### Department of Administration

#### Re-introduced due to revision

1. Ordinance amending the City of Camden Municipal Code to add: Chapter 601 “Wireless facilities in the public right-of-way”, to address consent requirements and street use agreement; and to amend Chapter 870-211 “Wireless telecommunication facilities” to exempt communications facilities in the public right-of-way

### RESOLUTIONS

#### Department of Administration

1. Resolution directing the Planning Board to review proposed Ordinance of the City Council of the City of Camden to amend the City of Camden Municipal Code Part II to add Chapter 601, “Wireless facilities in the public right-of-way”; to amend Chapter 601 to address consent requirements and a right-of-way use agreement; and to amend section 870-211 to exempt communication facilities in the public right-of-way

### PUBLIC COMMENT

### ADJOURNMENT

Please note summary of Public Decorum rules below.

## **Rule XVII: Decorum**

*Any person who shall disturb the peace of the Council, make impertinent or slanderous remarks or conduct himself in a boisterous manner while addressing the Council shall be forthwith barred by the presiding officer from further audience before the Council, except that if the speaker shall submit to proper order under these rules, permission for him to continue may be granted by a majority vote of the Council.*

*City Council meetings shall be conducted in a courteous manner. Citizens and Council members will be allowed to state their positions in an atmosphere free of slander, threats of violence or the use of Council as a forum for politics. Sufficient warnings may be given by the Chair at any time during the remarks and, in the event that any individual shall violate the rules of decorum heretofore set forth, the Chairperson may then cut off comment or debate. At the discretion of the Chairperson, light signals may be used to display the commencement of the time for speaking and a warning light may be flashed to show that the appropriate time has passed. A red light will signal that there is no longer time.*

*Please note:* Since the City of Camden remains under a Declaration of a Health Emergency related to the COVID-19 virus, City Hall is closed. Therefore, this Special Meeting will be conducted as a virtual meeting via a remote conferencing platform; Zoom. Instructions on accessing this virtual Special meeting can be found on the City of Camden's website: <https://www.ci.camden.nj.us/>.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMDEN TO AMEND THE CITY OF CAMDEN MUNICIPAL CODE PART II TO ADD CHAPTER 601, "WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY"; TO AMEND CHAPTER 601 TO ADDRESS CONSENT REQUIREMENTS AND A RIGHT-OF-WAY USE AGREEMENT; AND TO AMEND SECTION 870-211 TO EXEMPT COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, the City of Camden ("City") intends to adopt ordinances it deems necessary and appropriate to assure good government in the City, to protect and preserve the City's rights, property and privileges, and to preserve peace, safety and good order; and

WHEREAS, the City deems it to be necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction and maintenance of communications facilities, antennas and other structures within the City's public rights-of-way, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority; and

WHEREAS, the City deems it to be necessary and appropriate to provide for certain standards and regulations relating to the same or similar structures, standards, regulations, referred to immediately hereinabove, within the City's private rights-of-way.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City of Camden City Council:

SECTION 1: The foregoing Recitals are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2: City of Camden Code (the "City Code") § 870-211 "Wireless telecommunications facilities" shall be amended as follows (deleted text indicated by ~~strikethrough~~; added text added by underscore

A. All new telecommunications towers or antennas in the City shall be subject to these regulations, except for communications facilities in the public right-of-way, which are subject to regulation under City Code Chapters 600 and 601.

\*\*\*

SECTION 3: City Code § 600-2 "Authorizing ordinance required to break street" shall be amended as follows:

No street in the City shall be broken or occupied by any corporation, firm or person for the purpose of laying down conduits, tubes or pipes for electrical conductors, cables or wires, unless authority for such purpose, by ordinance, is first obtained. For communications facilities, as defined in City Code § 601-2, this authority shall come in the form of a license, franchise, or consent (collectively and individually referred to as "Right-of Way Use Agreement") approved by ordinance or resolution of the City Council.

A. Right-of Way Use Agreement. The City Council may adopt an agreement template authorizing use and occupancy of the rights-of-way with communications facilities, as defined in City Code § 601-2. The agreement shall satisfy the requirements of § 600-2. The City Engineer, in consultation with other pertinent City officials as needed, is authorized, with the agreement of the City Attorney, and subject to any necessary action that may be required under state law, to execute an agreement with any person in substantially the form approved. Modifications that limit the scope of the grant are not considered substantial. No agreement shall relieve any person from the obligation to obtain all necessary permits and approvals including permits required under §§ 600-4 and 601-3, and pay all applicable fees, required by applicable state, local, and federal law. No contract or permit given by

the City under this Chapter or Chapter 601 shall be interpreted to grant a person, an exclusive franchise, license, consent, permit, or final approval for access and use of the street. Where a person seeks to provide video services, they must separately obtain a franchise as provided under state and local laws governing the provision of video services.

(i) Application for Agreement. A person seeking to use and occupy any street in the City with a communications facility, shall submit an application to the Zoning Officer, on forms adopted by the Right of Way Review Committee. The applicable forms will be on file with the Division of Planning and Zoning and may be amended or replaced at any time. In the absence of such form, submit a letter clearly requesting an agreement to for use and occupancy of the streets, identifying, at a minimum the name, address, and status of the applicant (i.e. corporation, general partnership, limited partnership, etc.); a copy of any authorization, if required by state law, necessary for the provider to act as a public utility according to the statutes of the State of New Jersey regulating public utilities; a detailed description of the proposed use of the streets, the type of services intended to be provided, and (if available) detailed maps and technical drawings of proposed installations. If the template ROW Use Agreement then in effect is acceptable to the applicant, it shall so indicate in its application. Otherwise, the applicant shall include with its application a specific list of requested changes, with detailed explanations for each. If applicant claims that an application must be acted on within a specified period of time, it shall identify the period of time and the statute or regulation upon which the claim is based. Without limitation, in addition to any grounds the City may specify in its review of the application, if, by the date the City is required to act on an application, as that date may be extended, an agreement has not been signed by all parties, the application shall be deemed denied without prejudice for applicant's failure to timely enter into an agreement with the City.

(ii) Application Fee. A person seeking a franchise license, or consent to use the streets for a communications facility must pay an application fee and other applicable fees as established by the City, including, without limitation a refundable deposit. All said fees are to be referenced in a separate City fee schedule.

(iii) Processing Application for Agreement. Applications will be processed in accordance with applicable law and may be rejected if incomplete. Where an applicant is not willing to enter into the template ROW Use Agreement, the City Engineer may deny the application, or recommend an alternative agreement to City when applicant has shown good cause to the City Director of Planning and Development ("P&D Director") for modifying the ROW Use Agreement. However, the applicant may be required to pay additional fees reflecting the costs to the City, consistent with the provisions of subsection 600-2(A)(ii).

SECTION 5: City Code § 600-14 "Permit required to erect post or pole" shall be amended as follows:

No corporation, firm or person shall break ground for the purpose of erecting any post or pole within any street in the City without first obtaining a permit for the erection of such post or pole from the *Division of Zoning and Planning*, as hereinafter provided in §§ 600-15 through 600-19. If the post or pole is being installed to support a wireless facility, then the corporation, firm, or person must meet the requirements in City Code Chapter 601, which regulates wireless facilities in the public right-of-way.

SECTION 6: Part II of the Code shall be amended to add a new Chapter 601, entitled "Wireless Facilities in Public Rights-Of-Way" as follows

#### CHAPTER 601 WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY

##### §601-1. Purpose.

- (a) The purpose of this Chapter is to establish a process for managing, and uniform standards for acting upon, requests for the placement of wireless facilities within the public rights-

of-way of the City consistent with the City's duty to manage the public rights-of-way and any incursions into the public rights-of-way, which are intended for public use for transportation for pedestrians and vehicles. The City recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the City, and the City also recognizes its obligation to comply with applicable Federal and State law regarding the placement of personal wireless services facilities in its public rights-of-way. This ordinance shall be interpreted consistent with those provisions.

**§601-2. Definitions.** The terms used in this Chapter shall have the following meanings:

**Application:** A formal request, including all required and requested documentation and information, submitted by an applicant to the City for a wireless permit.

**Applicant:** A person filing an application for placement or modification of a wireless facility in the public right-of-way.

**Base Station:** shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(1), or any successor provision.

**Communications facility:** shall mean any and all equipment and installations of any kind located in whole or part in the streets and used to provide telecommunications services, information services or cable services other voice, video or data services, including, but not limited to any optical repeaters, converters, power amplifiers, radios, multiplexers, remote radioheads, antenna, aboveground and underground fiber optic and coaxial cable, conduit, wires, meters, pedestals, power switches, cabinets, enclosures, and control boxes, utility poles and supporting structures, whether new, existing or replacement structures, and whether referred to singly or collectively, but does not include facilities of an electric utility used solely in connection with the provision or management of electrical services or facilities.

**Eligible Facilities Request:** shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(3), or any successor provision.

**FCC:** The Federal Communications Commission or its lawful successor.

**Municipal Infrastructure:** City-owned or controlled property structures, objects, and equipment in the ROW, including, but not limited to, street lights, traffic control structures, banners, street furniture, bus stops, billboards, or other poles, lighting fixtures, or electroliers located within the ROW.

**Permittee:** any person or entity granted a wireless permit pursuant to this Chapter.

**Personal Wireless Services:** shall have the same meaning as set forth in 47 U.S.C. Section 332(c)(7)(C)(i).

**Personal Wireless Services Facility:** means a wireless facility used for the provision of personal wireless services.

**Public Right-of-Way, or ROW:** shall have the same meaning as in City Code Section 870-18, but shall also include any portion of any road or public way which the City has the responsibility to maintain or manage.

**Small Cell Facility:** shall have the same meaning as "small wireless facility" in 47 C.F.R. 1.6002(l), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

(1) The facility—

(i) is mounted on a structure 50 feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or

(ii) is mounted on a structure no more than 10 percent taller than other adjacent structures, or

(iii) does not extend an existing structure on which it are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facility does not require antenna structure registration under 47 C.F.R. Part 17;

(5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and

(6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

**Stealth facilities:** facilities designed to look like some feature other than a wireless tower or base station.

**Support Structure:** Any structure capable of supporting a base station.

**Tower:** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

**Underground areas:** Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

**Utility Pole:** A structure in the ROW designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

**Wireless Permit:** A permit issued pursuant to this Chapter authorizing the placement or modification of a wireless facility of a design specified in the permit at a particular location within the ROW; and the modification of any existing support structure to which the wireless facility is proposed to be attached.

**Wireless Facility, or Facility:** The transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

**Wireless Infrastructure Provider:** A person that owns, controls, operates or manages a wireless facility or portion thereof within the ROW.

**Wireless Regulations:** Those regulations adopted pursuant to Section 5 and implementing the provisions of this Chapter.

**Wireless Service Provider:** An entity that provides personal wireless services to end users.

### §601-3. Scope.

(a) **In general.** There shall be a type of permit entitled a "wireless permit," which shall be subject to all of the same requirements as an encroachment permit would under Chapter 600 (Poles, Wires and Underground Conduits) or Chapter 735 (Streets and Sidewalks), as applicable, in addition to all of the requirements of this Chapter. Unless exempted, every person who desires to place a wireless facility in the public rights-of-way or modify an existing wireless facility in the public rights-of-way must obtain a wireless permit authorizing the placement or modification in accordance with this Chapter. Except for small cell facilities, facilities qualifying as eligible facilities requests, or any other type of facility

expressly allowed in the public right-of-way by state or federal law, no other wireless facilities shall be permitted pursuant to this Chapter.

(b) **Exemptions.** This Chapter does not apply to:

- (1) The placement or modification of facilities by the City or by any other agency of the state solely for public safety purposes.
- (2) Poles or streets controlled by another governmental entity, unless the City is expressly authorized to control such entity's poles and/or streets.
- (3) Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- (4) Installation of a wireless facility on the strand between two utility poles, provided that the cumulative volume of all wireless facilities on the strand shall not exceed 1 cubic foot and provided further that the installation does not require replacement of the strand, or excavation, modification or replacement of the utility poles.

(c) **Other applicable requirements.** In addition to the wireless permit required herein, the placement of a wireless facility in the ROW requires the persons who will own or control those facilities to obtain all permits and authorizations required by applicable law, and to comply with applicable law, including, but not limited to, applicable law governing radio frequency (RF) emissions.

(d) **City Consent Required.** Parties seeking to perform work in the public right-of-way for wireless facilities must also comply with: (1) the consent requirements in City Code § 600-2; and (2) the joint application requirements in City Code § 600-4(D). Receipt of a wireless permit under this Chapter, or an exemption from the obligation to obtain a wireless permit, shall not relieve a party's obligation to comply with Chapter 600's consent requirement, and other applicable City Code requirements.

(e) **Pre-existing Facilities in the ROW.** Any wireless facility already existing in the ROW as of the date of this Chapter's adoption shall remain subject to the standards and conditions of the City Code in effect prior to this Chapter, unless and until a renewal of such facility's then-existing permit is granted, at which time the provisions of this Chapter shall apply in full force going forward as to such facility. The review of any request for a renewal of a permit for such pre-existing facilities shall be conducted pursuant to this Chapter, rather than the portion(s) of the City Code that it was previously reviewed under.

(f) **Public use.** Except as otherwise provided by state law, any use of the public right-of-way authorized pursuant to this Chapter will be subordinate to the City's use and use by the public.

#### **§601-4. Administration.**

(a) **Division of Planning and Development.** A Right of Way Review Committee ("ROW Review Committee") or its designee is responsible for administering this Chapter. The Committee shall be appointed by the Business Administrator, in consultation with the City Attorney's Office and other City officials as needed to effectuate the purpose of this Chapter. As part of the administration of this Chapter, the ROW Review Committee may:

- (1) Interpret the provisions of this Chapter;
- (2) Develop and implement standards governing the placement and modification of wireless facilities consistent with the requirements of this Chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
- (3) Develop and implement acceptable designs and development standards for wireless facilities in the public rights-of-way, taking into account the zoning districts bounding the public rights-of-way;
- (4) Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this Chapter;
- (5) Determine the amount of and collect, as a condition of the completeness of any application, any fee established by this Chapter;
- (6) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;
- (7) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;



- (8) Require, as part of, and as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
- (9) Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
- (10) Take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

**(b) Appeal.**

- (1) Any person adversely affected by the decision of the ROW Review Committee pursuant to this Chapter may appeal the ROW Review Committee's decision to the Business Administrator, which may decide the issues *de novo*, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the personal wireless services facility.
- (2) Where the ROW Review Committee grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the Business Administrator. All appeals must be filed within two (2) business days of the written decision of the ROW Review Committee, unless the ROW Review Committee extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law.
- (3) Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.

**§601-5. General Standards for Wireless Facilities in the Public Rights-of-Way.**

(a) **Generally.** Wireless facilities in the ROW shall meet the minimum requirements set forth in this ordinance and the wireless regulations, in addition to the requirements of any other applicable law.

(b) **Regulations.** The wireless regulations and decisions on applications for placement of wireless facilities in the ROW shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.

(c) **Minimum Standards.** Wireless facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the public rights-of-way, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the rights of way; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the rights-of-way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the public rights of way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the rights of way.

**§601-6. Applications for Wireless Permits.**

(a) **Submission.** Unless the wireless regulations provide otherwise, applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to an application, or responses to requests for information regarding a wireless permit application to: the Division of Planning and Zoning, 520 Market Street, Suite 325, Camden, NJ 08103.

(b) **Pre-application meeting.** Prior to filing an application for a wireless permit, an applicant is strongly encouraged, but not required, to schedule a pre-application meeting with the ROW Review Committee to discuss the proposed facility, the requirements of this Chapter, and any potential impacts of the proposed facility. It shall be understood and agreed that this meeting waives the start of the FCC current shot clock regulation.

(c) **Content.** An applicant shall submit an application on the form approved by the ROW Review Committee, which may be updated from time-to-time, but in any event shall require the submission of all required fee(s), documents, information, and any other materials

necessary to allow the ROW Review Committee to make required findings and ensure that the proposed facility will comply with applicable federal and state law, the City Code, and will not endanger the public health, safety, or welfare. If no form has been approved, applications must contain all information necessary to show that applicant is entitled to the wireless permit requested, and must specify whether the applicant believes state or federal law requires action on the application within a specified time period.

(d) **Fees.** Application fee(s) shall be required to be submitted with any application for a wireless permit. The ROW Review Committee is hereby authorized to determine, or cause to be determined, the amount, type, and other terms of such fee(s) from time to time, as set forth in a fee schedule, which shall be approved by Ordinance of City Council. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a wireless permit unless paid as a refundable deposit.

(1) **Fee amounts will conform to relevant sections of the FCC**

(e) **Waivers.** Requests for waivers from any requirement of this section shall be made in writing to the ROW Review Committee or his or her designee. The ROW Review Committee may grant or deny a request for a waiver pursuant to this subsection. The ROW Review Committee may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the City will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the City Code.

(f) **Incompleteness.** For personal wireless facilities and eligible facilities requests, applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, the ROW Review Committee may notify the applicant in writing, and specifying the material omitted from the application.

**§601-7. Findings; Decisions; Consultants.**

(a) **Findings Required for Approval.**

(1) Except for eligible facilities requests, the ROW Review Committee or Business Administrator, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

- (i) The facility is not detrimental to the public health, safety, and welfare;
- (ii) The facility complies with this Chapter, applicable portions of Chapter 600, and all applicable design and development standards;
- (iii) The facility meets applicable requirements and standards of state and federal law; and
- (iv) The facility meets applicable City requirements and standards for installations involving new poles.

(2) For eligible facilities requests, the ROW Review Committee or Business Administrator, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

- (i) That the application qualifies as an eligible facilities request; and
- (ii) That the proposed facility will comply with all generally-applicable laws.

(b) **Decisions.** Decisions on an application by the ROW Review Committee or Business Administrator shall be in writing and include the reasons for the decision.

(c) **Independent Consultants.** The ROW Review Committee or Business Administrator, as the case may be, is authorized, in its discretion, to select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any application under this Chapter. Such independent consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an application, including, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.

**§601-8. Conditions of Approval.**

(a) . In addition to any supplemental conditions imposed by the ROW Review Committee or Business Administrator, as the case may be, all permits granted pursuant to this Chapter shall be subject to the following conditions, unless modified by the ROW Review Committee:

- (1) *Code Compliance.* The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of public rights-of-way.
- (2) *Compliance with ROW Use Agreement.* The permittee shall at all times maintain compliance with the terms of the license, franchise, or consent required by City Code § 600-2.
- (3) *Permit Duration.* A wireless permit shall be valid for a period of ten (10) years, unless pursuant to another provision of the Code or these conditions, it expires sooner or is terminated. At the end of ten (10) years from the date of issuance, such Permit shall automatically expire, unless an extension or renewal has been granted. A person holding a wireless permit must either (1) remove the facility within thirty (30) days following the permit's expiration (provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or (2) at least ninety (90) days prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility must remain in place until it is acted upon by the City and all appeals from the City's decision exhausted.
- (4) *Timing of Installation.* The installation and construction authorized by a wireless permit shall begin within six (6) months after its approval, or it will expire without further action by the City. The installation and construction authorized by a wireless permit shall conclude, including any necessary post-installation repairs and/or restoration to the ROW, within thirty (30) days following the day construction commenced.
- (5) *Commencement of Operations.* The operation of the approved facility shall commence no later than one (1) month after the completion of installation, or the wireless permit will expire without further action by the City.
- (6) *As-Built Drawings.* The Permittee shall submit an as-built drawing within sixty (60) days after installation of the facility. As-builts shall be simultaneously submitted in an electronic format acceptable to the City Engineer, Zoning Officer and Construction Officer.
- (7) *Inspections; Emergencies.* The City or its designee may enter onto the facility area to inspect the facility upon 48 hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the City. The City reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The city shall make an effort to contact the permittee prior to disabling or removing any facility elements, but in any case shall notify permittee within 24 hours of doing so.
- (8) *Contact.* The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person.
- (9) *Insurance.* Permittee shall obtain and maintain throughout the term of the permit commercial general liability insurance with limit of a certain dollar amount per occurrence for bodily injury and property damage and certain dollar amount general aggregate including premises operations, contractual liability, personal injury, and products completed operations, as established by the City Risk Manager, in consultation with the City Engineer. The relevant policy(ies) shall have a policy limit of \$5 (five) million and shall name the City, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. Permittee shall use its best efforts to provide [thirty (30) days'] prior notice to the City of to the cancellation or material modification of any applicable insurance policy.
- (10) *Indemnities.* The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any

and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the property owner and shall reasonably cooperate in the defense. The City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

- (11) *Performance Bond.* Prior to issuance of a wireless permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% (one hundred percent) of the cost (during the course of building and/or physically removing the facility and all related facilities and equipment on the site, based on the higher of two contractor's quotes for removal that are provided by the permittee, and a 2 (two) year maintenance program at 50% (fifty percent) of the final cost of the facility, as established by the City Risk Manager, in consultation with the City Engineer. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the City Engineer. Reimbursement shall be paid when the security is posted and during each administrative review.
- (12) *Adverse Impacts on Adjacent Properties.* Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility.
- (13) *Noninterference.* Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the City shall be moved to accommodate a permitted activity or encroachment, unless the City determines that such movement will not adversely affect the City or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of the City's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless permit, the Permittee shall provide the City with documentation establishing to the city's satisfaction that the Permittee has the legal right to use or interfere with any other structure, improvement, or property within the public right-of-way or city utility easement to be affected by Permittee's facilities.
- (14) *No Right, Title, or Interest.* The permission granted by a wireless permit shall not in any event constitute an easement on or an encumbrance against the public right-of-way. No right, title, or interest (including franchise interest) in the public right-of-way, or any part thereof, shall vest or accrue in Permittee by reason of a wireless permit or the issuance of any other permit or exercise of any privilege given thereby.
- (15) *No Possessory Interest.* No possessory interest is intended to be created by a wireless permit issued pursuant to this Chapter,
- (16) *General Maintenance.* The site and the facility, including, but not limited to, all landscaping, fencing, and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City.
- (17) *RF Exposure Compliance.* All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the

testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.

- (18) *Testing.* Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
  - (19) *Modifications.* No changes shall be made to the approved plans without review and approval in accordance with this Chapter.
  - (20) *Agreement with City.* If not already completed, permittee shall enter into the appropriate agreement with the City, as determined by the City, prior to constructing, attaching, or operating a facility on Municipal Infrastructure. This permit is not a substitute for such agreement.
  - (21) *Conflicts with Improvements.* For all facilities located within the ROW, the permittee shall remove or relocate, at its expense and without expense to the city, any or all of its facilities when such removal or relocation is deemed necessary by the city by reason of any change of grade, alignment, or width of any right-of-way, for installation of services, water pipes, drains, storm drains, power or signal lines, traffic control devices, right-of-way improvements, or for any other construction, repair, or improvement to the right-of-way.
  - (22) *Abandonment.* If a facility is not operated for a continuous period of six (6) months, the wireless permit and any other permit or approval therefor shall be deemed abandoned and terminated automatically, unless before the end of the six (6) months period (i) the ROW Review Committee has determined that the facility has resumed operations, or (ii) the City has received an application to transfer the permit to another service provider. No later than ninety (90) days from the date the facility is determined to have ceased operation or the permittee has notified the ROW Review Committee of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the ROW Review Committee. The permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the City may cause the facility to be removed at permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned, but will not be effective for the entirety thereof until all users cease use thereof.
  - (23) *Encourage Co-location.* Where the facility site is capable of accommodating a co-located facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow co-location of third party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
  - (24) *Records.* The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
  - (25) *Attorney's Fees.* In the event the City determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the Permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with Permittee to waive said fees or any part thereof. The foregoing shall not apply if the Permittee prevails in the enforcement proceeding.
- (b) **Eligible Facilities Requests.** In addition to the conditions provided in Section 9(a) of this Chapter and any supplemental conditions imposed by the ROW Review Committee or Business Administrator, as the case may be, all permits for an eligible facility requests

granted pursuant to this Chapter shall be subject to the following additional conditions, unless modified by the approving authority:

- (1) *Permit subject to conditions of underlying permit.* Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.
- (2) *No permit term extension.* The city's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
- (3) *No waiver of standing.* The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.

(c) **Small Cell Facilities Requests.** In addition to the conditions provided in Section 9(a) of this Chapter and any supplemental conditions imposed by the ROW Review Committee or Business Administrator, as the case may be, all permits for a small cell facility granted pursuant to this Chapter shall be subject to the following condition, unless modified by the approving authority:

- (1) *No waiver of standing.* The city's grant of a permit for a small cell facility request does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

**§601-9. Breach; Termination of Permit.**

(a) **For breach.** A wireless permit may be revoked for failure to comply with the conditions of the permit or applicable law. Upon revocation, the wireless facility must be removed; provided that removal of a support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.

(b) **For installation without a permit.** An wireless facility installed without a wireless permit (except for those exempted by this Chapter) must be removed; provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.

(c) **Municipal Infraction.** Any violation of this Chapter will be subject to the same penalties as a violation of the Part I, Article II – General Penalty.

**§601-10. Infrastructure Controlled By City.** The City, as a matter of policy, will negotiate agreements for use of Municipal Infrastructure. The placement of wireless facilities on those structures shall be subject to the agreement. The agreement shall specify the compensation to the City for use of the structures. The person seeking the agreement shall additionally reimburse the City for all costs the City incurs in connection with its review of, and action upon the person's request for, an agreement.

**§601-11. Design, Development and Location Standards for All Facilities in the City's Public Right of Way**

- (a) The City shall have the sole authority for the design, development and location standards for wireless facilities in the City's public rights-of-way.
- (b) All applicants shall design and locate the wireless facilities in accordance with the design and location standards established by the City Engineer and approved by the Department of Planning and Development.
- (c) Visual Criteria:

- (1) Generally. All wireless facilities in the public right-of-way shall be designed in the least visible means possible and be aesthetically compatible with the surrounding area and structures (e.g., color, materials, size, and scale).
- (2) Materials. The materials used shall be non-reflective and non-flammable.
- (3) Concealment. The wireless facility and pole-mounted equipment should be camouflaged or concealed to blend the facility with surrounding materials and colors of the support structure on which the facility is installed. Concealment elements include, but are not limited to, the following:
  - i) Radio frequency (RF) transparent screening or shrouds;
  - ii) Matching the color of the existing support structure by painting, coating, or otherwise coloring the wireless facility, equipment, mounting brackets, and cabling;
  - iii) Placing cables and wires inside the pole or beneath conduit of the smallest size possible;
  - iv) Minimizing the size of the site;
  - v) Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site; and
  - vi) Using paint of durable quality.

(d) Location:

- (1) Preferred Locations/Zones:
  - i) Industrial,
  - ii) Commercial; and
  - iii) Port Related Manufacturing
  - iv) Employ Existing Infrastructures
- (2) Discouraged Locations/Zones.
  - i) Installations on residential streets are discouraged.
- (3) Prohibited Zones and Other Prohibitions:
  - i) Flood plains,
  - ii) Environmentally-protected areas,
  - iii) Historic Zones with and/or without Historic Preservation Commission ("HPC") Oversight,
  - iv) Curb Setback Requirements. New or replacement poles shall be a minimum of 18 inches from the face of the curb,
  - v) Strand-mounted facilities,
  - vi) Generators in the Right-of-Way.

(e) Electric Service. The City strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. Where meters are required, use the narrowest electric meter and disconnect available.

(f) Security. All equipment and facilities shall be installed in a manner to avoid being an attractive nuisance and to prevent unauthorized access, climbing, and graffiti.

(g) Safety. All wireless facilities in the right-of-way, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the right-of-way; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the right-of-way. Further, all wireless facilities and associated equipment in the right-of-way shall comply with Americans with Disabilities Act (ADA) requirements.

(h) Noise. Wireless facilities and all accessory equipment and transmission equipment must comply with all noise regulations and shall not exceed, either individually or cumulatively, 65 dBA.

- (i) **Lighting.** No facility shall be illuminated unless specially required by the Federal Aviation Administration (FAA) or other government agency. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding area property.
- (j) **Signs.** No facility may display any signage or advertisement unless it is expressly allowed by the City in a written approval, recommended under FCC regulations, or required by law or permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the owner's unique site number and a local or toll-free telephone number to contact the facility owner's operations center.
- (k) **Landscaping.** In addition to any landscaping used for concealment or screening purposes, the applicant shall propose and install additional landscaping to replace any existing landscaping displaced during construction or installation of the applicant's facility in the right-of-way. The applicant's landscaping plan shall be subject to the City's review and approval but shall, at a minimum, match the existing landscaping and foliage surrounding the installation site.
- (l) **Modifications.** Any modifications to existing facilities or equipment or collocations shall not defeat the concealment elements of the existing structure/facility.

**§601-12 Design and Development Standards for Pole-Mounted Facilities in the City's ROW**

- (a) **Definition of Pole-Mounted Facility.** For purposes of these Standards, the term "pole-mounted facility" means a wireless facility that is, or is proposed to be, attached to, contained in or on, or otherwise mounted to, in, or on a pole.
- (b) **Poles, Generally.** For facilities installed on any pole:
  - (1) **Antennas.** Antennas and radio relay units (RRUs) shall be top-mounted in a shroud. RRUs attached to the side of the pole are discouraged, but if they are required due to technical reasons, should use the smallest RRU volume possible and be stacked vertically and close together with minimal distance from the pole.
  - (2) **Dimensions.** Antennas shall be of the smallest possible size, but in no case more than three cubic feet in volume. Pole-top wireless facilities, including shroud, shall be no more than 60 inches in height and 14.5 inches in diameter.
  - (3) **Accessory Equipment.** Undergrounding equipment, including RRUs that cannot be placed with the antenna in the shroud, is preferred. Vaults and pull boxes shall be installed flush to grade. Ground-mounted equipment is prohibited unless required for technical reasons. If required, ground-mounted equipment shall incorporate camouflaging and shrouding to match the colors, appearance, and materials of existing facilities and screen facilities from public view as much as is technically feasible. Further, if ground-mounted equipment is required, it must be enclosed in cabinets, sized only for the needed equipment and camouflaged using paint that matches the surrounding environment.
  - (4) **Cables and Wiring.** All cables and wiring must be within the structure, or if not feasible, within conduit on the exterior of the structure. The conduit must be a color that matches the pole and of the smallest size technically feasible.
  - (5) **Pole Owner Authorization.** Proof of authorization from the pole owner is required. If the City owns the pole, then the applicant must enter into an agreement with City to install the pole-mounted facility.



(c) Utility Poles. Installations on utility poles must be stealth facilities, as defined in City Code § 601-2. The facility shall be designed to look like the utility pole rather than a wireless facility, tower, or base station.

(d) Replacement Poles. If an applicant proposes a replacement pole to accommodate the facility:

(1) Placement. The base of the replacement pole shall be a minimum of 18 inches away from the face of the curb. Further, a replacement pole must be in the same location as the pole that it is replacing or as close to the original location as possible, taking into account pole owner safety-related requirements and all applicable location and placement standards herein.

(2) Design. Replacement poles should match the design (e.g., color, dimensions, height, style, and materials) of the existing pole that is being replaced to the greatest extent feasible. The maximum pole height is 35 feet, excluding wireless equipment

(3) Stealth. Replacement poles and their accompanying wireless facilities should be stealth, as defined in City Code Section 601-2, unless technically infeasible.

(e) New Poles. If an applicant proposes a replacement pole to accommodate the facility:

(1) Waiver Required. New poles are prohibited, unless a waiver is approved by the City to prevent a prohibition of service.

(2) Design. New poles shall have a maximum height of 35 feet and a maximum diameter of 14 inches. The poles and accompanying wireless facilities shall be stealth. The poles should be designed so that cables and wiring can be contained inside the poles, and wooden poles are prohibited. If existing poles are present in the surrounding area, then the new pole shall be designed to resemble the existing poles in appearance, color, materials, and distribution pattern/spacing.

(3) Installations on New Poles. Antennas shall be pole top-mounted in a shroud, and cables and wiring shall be contained within the new pole. Equipment that cannot fit in the shroud with the antenna shall be undergrounded, but if undergrounding is not technically feasible, then equipment shall be enclosed in cabinets, sized only for the needed equipment and camouflaged using paint that matches the surrounding environment. The antennas and equipment on a new pole must be stealth, as defined in City Code Section 601-2.

**§601-13 Nondiscrimination.** In establishing the rights, obligations and conditions set forth in this Chapter, it is the intent of the City to treat each applicant or public right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, and with considerations that may be unique to the technologies, situation and legal status of each particular applicant or request for use of the public rights-of-way.

SECTION 7. The Mayor, Business Administrator, and other duly authorized City officials are hereby authorized to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 8. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 9. Any portion of this ordinance not herein amended and supplemented shall remain in full force and effect.

SECTION 10. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

SECTION 11. This ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

SECTION 12. The Municipal Clerk shall, within sixty (60) days after this ordinance becomes effective, file a certified copy of this ordinance, together with a copy of the proof of publication, in the Office of the Camden County Clerk/Register of Deeds with instructions that the certified copy of this ordinance be recorded and properly indexed in the street vacation book.

BE IT FURTHER ORDAINED, that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this ordinance, and the action by the Commissioner regarding this ordinance shall supersede any action by the Mayor on the same ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

---

Date of Introduction: November 5, 2020

The above has been reviewed  
and approved as to form.

---

MICHELLE BANKS-SPEARMAN  
City Attorney

---

CURTIS JENKINS  
President, City Council

---

FRANCISCO MORAN  
Mayor

ATTEST: \_\_\_\_\_  
LUIS PASTORIZA  
Municipal Clerk

R-1

MBS:dh  
11-05-20

**RESOLUTION DIRECTING THE PLANNING BOARD TO REVIEW PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMDEN TO AMEND THE CITY OF CAMDEN MUNICIPAL CODE PART II TO ADD CHAPTER 601, "WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY"; TO AMEND CHAPTER 601 TO ADDRESS CONSENT REQUIREMENTS AND A RIGHT-OF-WAY USE AGREEMENT; AND TO AMEND SECTION 870-211 TO EXEMPT COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, Ordinance Of The City Council Of The City Of Camden To Amend The City Of Camden Municipal Code Part II To Add Chapter 601, "Wireless Facilities In The Public Right-Of-Way"; To Amend Chapter 601 To Address Consent Requirements And A Right-Of-Way Use Agreement; And To Amend Section 870-211 To Exempt Communications Facilities In The Public Right-Of-Way is being introduced at City Council's November 5, 2020 Special; and

WHEREAS, said ordinance will amend Section 870-211 of the Zoning and Land Use Ordinance of 1987 to exempt communications facilities in the public right of way; and

WHEREAS, N.J.S.A. 40:55D-64 provides that prior to the hearing on adoption of a zoning ordinance or any amendment thereto, the governing body shall refer any such proposed ordinance or amendment thereto to the planning board; now therefore

BE IT RESOLVED, that the City Council of the City of Camden hereby refers the proposed amendment of the Zoning and Land Use Ordinance of 1987, Section 870-211, to exempt communications facilities in the right of way to the Camden City Planning Board for their review, comment and recommendations.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Resolution shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Resolution. All notices of veto shall be filed in the Office of the Municipal Clerk.

Date of introduction: November 5, 2020

The above has been reviewed and approved as to form.

\_\_\_\_\_  
MICHELLE BANKS-SPEARMAN  
City Attorney

\_\_\_\_\_  
CURTIS JENKINS  
President, City Council

ATTEST: \_\_\_\_\_  
LUIS PASTORIZA  
Municipal Clerk