

AN ORDINANCE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF DARK FIBER-OPTIC CABLE AND OTHER TELECOMMUNICATIONS RELATED FACILITIES BY CROSS RIVER FIBER, INC. OVER THE PUBLIC RIGHTS-OF-WAY

**#02-2014**

WHEREAS, the general laws of the State of New Jersey grant the Mayor and Council the authority to review an application made by a certified local telephone exchange carrier to install dark fiber-optic cable that is designed to provide telecommunications services within the municipality; and

WHEREAS, Cross River Fiber, Inc. is a Delaware corporation qualified to do business in the State of New Jersey; and

WHEREAS, Cross River Fiber, Inc., is a certified local exchange carrier authorized to provide telecommunications services in the State of New Jersey under the authority granted to it by the New Jersey Board of Public Utilities by order of the Board of Public Utilities on July 14, 2011 in docket number TE11050320 and on June 18, 2012 in docket number TE12040297; and

WHEREAS, Cross River Fiber, Inc., seeks consent from the Mayor and Council to place its telecommunications facilities aerially on existing utility poles or in underground conduits in the public rights-of-way within the Borough of Hamburg for the purpose of owning, constructing, operating, repairing and maintaining dark fiber optic cable and telecommunications facilities; and

WHEREAS, the Mayor and Council is satisfied that it is in the public interest to provide additional, extensive and innovative telecommunications facilities within the Borough of Hamburg by providing this authorization to Cross River Fiber, Inc.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey, as follows:

4. Permission is hereby granted to Cross River Fiber, Inc., to install dark fiber-optic cable and other telecommunications related facilities in and over the public rights-of-way for the purpose of operating a

telecommunications network within the Borough's public rights-of-way as a non-exclusive use within the Borough of Hamburg in accordance with a certain Rights-of-Way Agreement, a copy of which is on file in the office of the Borough Clerk and available for public inspection, the terms and conditions of which are incorporated herein by reference.

2. The Mayor and Municipal Clerk are authorized to execute the Rights-of-Way Agreement attached hereto.

3. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

4. This ordinance shall take effect upon passage and publication as required by law.

#### CERTIFICATION

NOTICE is hereby given that the above ordinance was introduced and passed on first reading of the meeting of the Mayor and Council of the Borough of Hamburg, held on Monday, May 5, 2014 at 7:30 p.m. and will be considered for final passage at a regular meeting of the Mayor and Council to be held on Monday, June 2, 2014 at 7:30 p.m. or as soon thereafter as same can be considered, in the Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. A copy of said ordinance is on file in the office of the Borough Clerk, Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection during regular business hours. During the week prior and up to the time of public hearing, copies of said ordinance will be available to the member of the general public who requests the same.

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Doreen Schott, RMC  
Municipal Clerk

