

**TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
WYCKOFF, NJ 07481**

ORDINANCE #2047

**AN ORDINANCE AMENDING CHAPTER 165 OF THE CODE OF THE
TOWNSHIP OF WYCKOFF TO ADD § 165-24.1 ENTITLED
“PLACEMENT, REPLACEMENT OR REMOVAL OF PUBLIC UTILITY
POLES OR UNDERGROUND FACILITIES”**

WHEREAS, the Township of Wyckoff recognizes the importance of maintaining safe, accessible, and aesthetically pleasing rights-of-way for residents, pedestrians, and motorists; and

WHEREAS, the Township has experienced an increase in the number of utility poles installed without sufficient coordination, resulting in visual blight and potential safety hazards, including instances of poles being installed on both sides of residential streets; and

WHEREAS, the Township has also been plagued by "double wood" conditions, in which new poles are installed but old poles remain in place for extended periods of time, creating unsafe, unsightly, and duplicative conditions; and

WHEREAS, addressing double wood conditions requires a holistic and timely approach among all responsible utilities, including electric, cable, telephone, and other pole-attached infrastructure providers; and

WHEREAS, the Township wishes to encourage the installation of underground utility infrastructure for new construction to reduce above-ground congestion, avoid unnecessary pole placements, and support long-term infrastructure sustainability; and

WHEREAS, the Township Committee finds it in the best interest of the residents of Wyckoff to adopt formal standards governing the placement, replacement, and removal of public utility poles and to establish a presumption in favor of underground utility service for new single- and two-family residential homes; and

WHEREAS, the Township Committee further finds that clarifying procedures, responsibilities, and enforcement mechanisms is necessary to ensure compliance and protect the integrity of Township roadways and rights-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey, as follows:

SECTION 1. That Chapter 165 of the Code of the Township of Wyckoff is hereby amended as follows:

§ 165-24.1 Placement, Replacement or Removal of Public Utility Poles or Underground Facilities.

A. Purpose.

The purpose of this section is to regulate the placement, replacement, and removal of utility poles and to promote underground utility service in the public right-of-way, thereby minimizing visual clutter, enhancing public safety, and reducing redundant or unnecessary utility infrastructure.

B. Definitions.

For the purposes of this section:

- **ADA Ramps** – Depressed curb cuts constructed in accordance with the Public Right-of-Way Accessibility Guidelines (PROWAG, 36 CFR Part 1190).
- **Joint Poles** – Utility poles used jointly by two or more utilities. The utility last to remove its infrastructure shall be responsible for pole removal and site restoration.
- **Responsible Utility** – The last entity to transfer infrastructure from a utility pole.
- **Utility Pole** – Any pole installed in the public right-of-way to carry or support wires, conduit, cabling, or related infrastructure.

C. Permit and Contact Requirements.

1. Any public utility or other entity intending to place, replace, or remove utility poles in the public right-of-way shall obtain a street opening permit pursuant to Article III of this chapter.
2. Within 30 calendar days of the adoption of this section, all such utilities shall furnish the Township Engineer with contact information for a responsible person or department within their organization. This contact shall be the designated liaison for all pole-related matters within the Township, including placement, replacement, removal, and coordination with third-party users of the pole. Pole owners must promptly update the Township in writing of any changes in this contact information.

3. All entities with infrastructure attached to utility poles located within the Township right-of-way—whether or not they own the pole—including but not limited to cable providers, telecommunications companies, electric utilities, and private fiber networks, shall provide the Township Engineer with the name, telephone number, and email address of a responsible contact for addressing pole-related issues such as hanging or downed wires, code violations, or public safety hazards. This requirement applies regardless of ownership or primary use of the pole. Contact information shall be updated annually or upon personnel change, whichever comes first.

D. Installation and Removal Requirements.

1. Pole Placement Standards.

- All pole placements shall be coordinated to avoid interference with existing structures or public infrastructure.
- No utility pole shall be placed:
 - a. Within 15 feet of the apron of any ADA ramp;
 - b. Within 15 feet of the intersection of projected curblines where no sidewalk or ADA ramp exists;
 - c. Within the apron of any driveway.
- No utility pole shall be installed on the opposite side of a street where utility poles already exist, unless the utility demonstrates to the satisfaction of the Township Engineer that such placement is technically necessary and that underground installation is infeasible or unsafe.

2. Underground Service to New Homes.

- For any new construction of a single-family or two-family residential dwelling requiring new utility service, it shall be presumed that all service connections shall be installed underground beneath the public right-of-way.
- Any utility proposing overhead service to a new home must demonstrate to the Township Engineer that underground service is not technically feasible or would create a material safety hazard.

- The Township Engineer may deny a street opening permit for overhead service to new residential dwellings based on these findings.

3. Pole Removal and Double Wood.

- In the case of joint poles, the responsible utility shall remove the pole and restore the site within 14 calendar days of written notice by the Township Engineer or designee.
- In connection with any Township street widening or capital improvement project, the responsible utility shall remove affected poles within 21 calendar days of notice, at no cost to the Township.
- Any damage to Township infrastructure or property caused by the removal or replacement of a utility pole shall be repaired by the responsible utility within 30 calendar days using materials of like kind and quality (e.g., concrete sidewalks, pavers, asphalt, grass, etc.). The Township Engineer may, in writing, extend this period due to weather or other reasonable conditions.
- Requests for waiver or extension must be submitted in writing to the Township Engineer within 10 calendar days of receipt of the notice, with a detailed explanation of the reasons therefor.

E. Enforcement.

This section shall be enforced by the Township Engineer, Construction Official, Code Enforcement Officer, or other designee of the Township Administrator.

F. Violations and Penalties.

Any person or entity found to be in violation of this section shall be subject to a fine of not less than \$250 per day, per violation, up to a maximum of \$2,000 per day.

SECTION 2. REPEALER.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. SEVERABILITY.

If any provision of this Chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, such provision shall be severed, and the remainder of this Chapter shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication in accordance with law and publication as required by law.