

SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987



ORDINANCE #2025-19

Introduction: July 28, 2025

Adoption: August 18, 2025

AN ORDINANCE AMENDING AND RESTATING CHAPTER 242 – PUBLIC UTILITIES OF THE CODE OF SOUTH ORANGE VILLAGE

WHEREAS, historically, the Gaslights of South Orange Village were the only permitted street-side utility since the founding of South Orange Village; and

WHEREAS, the discovery and availability of various public utilities, such as telecommunications and electricity, created demand from residents for the provision of such services within the Village; and

WHEREAS, utility providers initially tried to meet such demand by placing utility poles along the Village streets but routinely found street-side installed utility poles torn down or destroyed; and

WHEREAS, it was determined that the only acceptable location of public utility equipment and services would instead be to place such equipment in backyard and side-yard areas; and

WHEREAS, the installation of public utilities and services within customers' backyards and side yard areas was performed with the consent of, upon demand from, and for the benefit of the South Orange Village customers; and

WHEREAS, Chapter 242-4(c) presently requires that "[O]nly public utility poles in rear yards may be used for the installation of telecommunications equipment, unless the provider can demonstrate that its system cannot be set up without utilizing the existing utility poles which may be located along streets" (emphasis added); and

WHEREAS, the provision of public utility services passing over and under customers' backyards and side yards, by consequence and necessity, creates circumstances under which access to such utilities is required for the uninterrupted provision of such services and for the health, welfare and comfort of the residents of the Village; and

WHEREAS, the Mayor and Village Council wish to amend Chapter 242 – Public Utilities to declare that it shall be a policy of the Village to provide access to backyard and side yards to install, make repairs to or otherwise improve utility equipment whether such equipment be found above ground and/or below ground.

NOW THEREFORE, BE IT ORDAINED, by the Village Council of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:



SECTION 1.

Chapter 242 – Public Utilities of the Code of South Orange Village is hereby amended and restated in its entirety as follows:

242-1 Findings: Declaration of Policy

Historically, the Gaslights of South Orange Village were the only permitted street-side utility since the founding of South Orange Village. During the course of history in the Village, it was determined that the only acceptable location of public utility equipment and services would be to place such equipment in backyard and side-yard areas of those customers requesting or demanding provision of such services. Public utility poles are presently required to be placed in rear yards unless it can be demonstrated that such systems cannot be set up without utilizing street-side utility poles. As a consequence, the majority of telecommunication, electrical, and cable television services are provided through backyard and/or side yard service poles. There also exists below-ground water, gas, and sewage services. The provision of public utility services passing over and under customers' backyards and side yards has, by imposition of existing law, consequence and necessity, created circumstances under which access to such utilities is required for the uninterrupted provision of such services and for the health, welfare and comfort of the residents of the Village.

242-2 Definitions

As used in this article, the following terms shall have the meanings indicated:

OWNER - Any person, firm, association, partnership or corporation owning or controlling property, including a duly authorized agent or attorney. Guardians, conservators or trustees or other fiduciaries shall also be regarded as owners.

UTILITIES - Includes cable television, electric, gas, heating, telephone, water and sewage services and all equipment poles, junction and connection boxes, and other similar equipment used in rendering utility services to the citizens of South Orange Village.

242-3 Right of Access

- A. Where any organization rendering utility service to any of the citizens of South Orange Village is required to inspect, install or otherwise improve its utility equipment; or in the event of emergent need for repair of such equipment for the uninterrupted provision of such services; or for the health, welfare and comfort of the residents of the Village, and such inspection, installation, repair or improvement requires access through or across premises not owned by the utility or under its control, the owner,



occupant, tenant or other shall allow the organization free access to the equipment at all reasonable times, or in the event of emergency, at such times as may be required, in order that such organization may perform the required duty.

- B. The utility provider must present proof that it is authorized by the New Jersey Board of Public Utilities to operate in New Jersey.
- C. A public utility entering private premises shall not clear, move, cut or destroy any structures thereon, trees, shrubs, plants or other growth unless and until not less than 5 days' notice of such entry shall be given to the owner of the lands personally or by certified or registered mail addressed to the owner at their address as shown by the assessment records of South Orange Village, but nothing herein shall prohibit entry without notice in any case:
 - 1. Of an emergency, or
 - 2. Where such notice is waived by the owner, or
 - 3. Where an easement or right-of-way contains an express provision permitting entry without notice or upon notice of a lesser period of time, which is complied with, or
 - 4. Where the owner consents to the entry of the public utility for such purposes.
- D. An organization entering private premises to perform work on a utility shall perform its work causing as little damage as possible to the property and shall restore the property after the work is completed to match its prior condition before the work as nearly as possible.
- E. The refusal by the owner, occupant, tenant or other to permit and provide entry or access to the public utility, to impede, attempt to impede or prevent access to the public utility shall be a violation of this Chapter and such violator shall be subject to penalties pursuant to the provisions of Chapter 1-13 of the Village Code.

242-4 Authorization For Use Of Public Right-Of-Way

- A. The telecommunications provider must present proof that it is authorized by the New Jersey Board of Public Utilities to operate in New Jersey.



- B. The telecommunications provider must present proof of permission and consent from the owner(s) of any public utility poles to be used by the telecommunications company that said use is authorized.
- C. Only public utility poles in rear yards may be used for the installation of telecommunications equipment, unless the provider can demonstrate that its system cannot be set up without utilizing the existing utility poles which may be located along streets.
- D. Notice must be provided in writing to all property owners on whose land a pole is located.
- E. The telecommunications company must present to the Village a complete itemization of all equipment to be installed
- F. The telecommunications company must present a certification to the Village that the installation of its equipment on utility poles does not adversely affect the structural integrity of the utility pole.
- G. The telecommunications company must agree in writing to indemnify the Village from any and all liability and damages arising from its negligence in connection with the installation, maintenance or use of its telecommunications equipment within the Village and further agree to provide the Village with a certificate of insurance in an amount not less than \$5,000,000 naming the Village as an additional named insured. The telecommunications company must provide a new certificate of insurance on or before January 1 of each year.

242-5 Installation Requirements

- A. A notice must be given to the Village Clerk at least 48 hours prior to any installation of the installation schedule.
- B. In the course of any installation or maintenance of its equipment within the Village, the telecommunications company will coordinate any such installations or maintenance of its equipment with the Police Force to ensure that traffic is not adversely effected within the Village. If required by the Police Chief, the telecommunications company will hire, at its sole cost and expense, appropriate police officers to direct traffic to ensure the public safety.



242-6 Application; Fees

Each applicant for authorization to install a telecommunications system within the Village must complete annually (on or before February 1) an application which is obtainable from the Village Clerk and pay an application fee as set forth in Chapter 143, Fees, of this Code.

SECTION 2.

Repealer.

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

SECTION 3.

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

SECTION 4.

On passage this ordinance shall be codified.

Introduction – First Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg		X	X			
Haskins			X			
Jones	X		X			
Lewis-Chang			X			
Schnall			X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Village Council at their meeting held on July 28, 2025.

Ojetti E. Davis
Village Clerk



Adoption – Second Reading

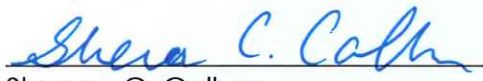
Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg						X
Haskins		X	X			
Jones	X		X			
Lewis-Chang			X			
Schnall			X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on August 18, 2025.


Ojetti E. Davis
Village Clerk

Adopted:


Sheena C. Collum
Village Mayor

Attest:


Ojetti E. Davis
Village Clerk