

ORDINANCE # 21-26

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX
ORDINANCE AUTHORIZING A RIGHTS-OF-WAY USE
AGREEMENT WITH COMCAST FOR THE INSTALLATION
AND OPERATION OF CABLE TELEVISION SYSTEM**

WHEREAS, Comcast of Central New Jersey, LLC (“Comcast”) is applying to the New Jersey Board of Public Utilities (“BPU”) pursuant to the New Jersey Cable Television Act, N.J.S.A. 48:5A-1, *et seq.*, for a system-wide cable franchise to construct, operate and maintenance a cable television system within a designated initial service area within the Borough of Sayreville; and

WHEREAS, pursuant to such authority granted by the BPU, Comcast may locate, place, attach, install, operate, repair and maintain facilities for the deployment of fiber optic cable within public rights-of-way for purposes of providing cable television service, along with related services a permitted under applicable law and BPU approval; and

WHEREAS, Comcast’s facilities and services will be operated and provided in compliance with Orders and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities, as well as Municipal Ordinances; and

WHEREAS, N.J.S.A. 48:3-11, *et seq.*, authorizes a municipality to consent, by ordinance, to the petition of a public utility to use public rights-of-way for the operation of public utilities for a period not exceeding fifty years; and

WHEREAS, additionally, the Borough is authorized to enter into right-of-way use agreements for such purposes pursuant N.J.S.A. 48:17-10 through -12, and N.J.S.A. 48:5A-25.1(b); and

WHEREAS, the Borough and Comcast have negotiated an agreement entitled Rights-of-Way Use Agreement which shall govern the terms and conditions of the Borough’s consent to utilize the public rights-of-way within the Borough, a copy of which

is attached hereto and made a part hereof, which Agreement has been reviewed and approved by the Borough Attorney and the representatives of Comcast; and

WHEREAS, the Mayor and the Borough Council of the Borough of Sayreville finds it to be in the best interest of the Borough and its citizens to promote competition in the cable television market, and to grant consent to Comcast to utilize the public rights-of-way within the Borough for the purposes set forth herein pursuant to the terms and conditions set forth in the Rights-of-Way Use Agreement.

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

SECTION ONE.

The Borough of Sayreville hereby grants permission and authority to Comcast to own, construct, install, operate, repair and maintain telecommunications facilities and equipment on new and existing utility poles within the public rights-of-way subject to the terms and conditions set forth herein and in the Rights-of-Way Use Agreement, which Agreement is attached hereto and incorporated by reference as if more fully set forth at length herein.

SECTION TWO.

The Mayor and Borough Council are hereby authorized and directed to execute the attached Agreement with Comcast to govern the terms and conditions of the consent to utilize the public rights-of-way.

SECTION THREE.

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Sayreville, the provisions hereof shall be determined to govern. All other ordinances of the Borough of Sayreville are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION FOUR.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION FIVE.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION SIX.

Within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

SECTION SEVEN.

This Ordinance shall take effect upon final adoption and publication in accordance with law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED/APPROVED ON FIRST READING

DATED: September 14, 2026

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Admin & Finance Committee)

ADOPTED ON SECOND READING

DATED: September 28, 2026

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Admin & Finance Committee)

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2026.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney