

40:41A-101

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2013 **CHAPTER:** 118

NJSA: 40:41A-101 (Permits certain county boards of chosen freeholders to publish notices of proposed or amended ordinances by title and summary)

BILL NO: S316 (Substituted for A3725)

SPONSOR(S) Whelan and others

DATE INTRODUCED: January 10, 2012

COMMITTEE: **ASSEMBLY:** Housing and Local Government

SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 20, 2013

SENATE: June 20, 2013

DATE OF APPROVAL: August 9, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted) Yes

S316

SPONSOR’S STATEMENT (Begins on page 4 of introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL NOTE: No

A3725

SPONSOR’S STATEMENT: (Begins on page 4 introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"N.J. Assembly OKs bill setting limits on publishing proposed ordinances in newspapers," northjersey.com, 5-20-13

"Bill to cut county publishing cost ok'd," The Record, 5-21-13

"N.J. Legislature OKs bill allowing Bergen, five other counties to avoid publishing full text of ordinances in newspapers," northjersey.com, 6-20-13

LAW/RWH

P.L.2013, CHAPTER 118, *approved August 9, 2013*
Senate, No. 316 (*First Reprint*)

1 AN ACT concerning the publication of ordinances by certain county
2 boards of chosen freeholders and amending P.L.1972, c.154.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 101 of P.L.1972, c.154 (C.40:41A-101) is amended
8 to read as follows:

9 101. a. An ordinance shall mean any act or regulation of the
10 board, except an expense budget or capital budget, required to be
11 reduced to writing, published after introduction, and considered for
12 final passage after public hearing at a meeting subsequent to the
13 meeting at which it was introduced;

14 b. Except as otherwise provided by general law the procedure
15 for the passage of ordinances shall be as follows:

16 (1) Every ordinance after being introduced and having passed a
17 first reading, which first reading may be by title, shall be published
18 in its entirety, or by title, or by title and summary, at least once in
19 the manner provided by section 142 of **【this act】** P.L.1972, c.154
20 (C.40:41A-142), together with a notice of the introduction thereof
21 and the time and place when and where it will be further considered
22 for final passage ¹, and shall consist of a clear and concise
23 statement prepared by the clerk of the board of chosen freeholders
24 setting forth the purpose of the ordinance, and the time and place
25 when and where a copy of the ordinance can be obtained without
26 cost by any member of the general public who wants a copy of the
27 ordinance¹. If there be only one such publication the same shall be
28 at least 1 week prior to the time fixed for further consideration for
29 final passage ¹**【**, and shall consist of a clear and concise statement
30 prepared by the clerk of the board of chosen freeholders setting
31 forth the purpose of the ordinance, and the time and place when and
32 where a copy of the ordinance can be obtained without cost by any
33 member of the general public who wants a copy of the ordinance**】**¹.
34 If there be more than one publication, the first shall be at least 1
35 week prior to the time fixed for further consideration for final
36 passage. A copy of the proposed ordinance shall also be sent by
37 regular mail to the clerk of each municipality in the county not less
38 than 1 week prior to the date of hearing.

39 (2) At the time and place so stated in such publication, or at any
40 time and place to which the meeting for the further consideration of
41 the ordinance shall from time to time be adjourned, all persons
42 interested shall be given an opportunity to be heard concerning the

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted April 29, 2013.

1 ordinance. Final passage thereof shall be at least 10 days from the
2 first reading.

3 (3) Upon the opening of the hearing, the ordinance shall be
4 given a second reading, which reading may be by title, and
5 thereafter, it may be passed by a majority of the whole number of
6 the board, with or without amendments, or rejected. Prior to the
7 said second reading, a copy of the ordinance shall be posted on the
8 bulletin board or other place upon which public notices are
9 customarily posted in the building in which the board regularly
10 meets, and copies of the ordinance shall be made available to
11 members of the general public who shall request such copies. If
12 any amendment be adopted, altering the ordinance, the ordinance as
13 so amended shall not be finally adopted until at least 1 week
14 thereafter, and the ordinance as amended shall be read at a meeting
15 of the board, which reading may be by title, and shall be published
16 in its entirety, or by title, or by title and summary, together with a
17 notice of the introduction, the time and place when and where a
18 copy of the ordinance can be obtained without cost by any member
19 of the general public who wants a copy of the ordinance, ¹a clear
20 and concise statement prepared by the clerk of the board of chosen
21 freeholders setting forth the purpose of the ordinance, ¹ and the time
22 and place when and where the amended ordinance will be further
23 considered for final passage, at least 2 days prior to the time so
24 fixed. At the time and place so fixed, or at any other meeting to
25 which the further consideration of the amended ordinance may be
26 adjourned, the board may proceed to pass the ordinance, as
27 amended, or again amend it in the same manner.

28 (4) Upon passage, every ordinance, or the title, or the title and a
29 summary, together with a notice of the date of passage or approval,
30 or both, shall be published at least once in the manner provided by
31 section 142 of **【this act】** P.L.1972, c.154 (C.40:41A-142).

32 (5) One certified copy of the full text of every ordinance so
33 adopted shall be filed with the clerk of each municipality within the
34 county not later than 10 days after the date of final passage.

35 (6) The board may enact, amend or supplement ordinances
36 establishing, amending or supplementing a code or any parts
37 thereof, not inconsistent with law, by reference to such code in any
38 such ordinance and without inclusion of the text thereof in such
39 ordinance if the code to be adopted and any related documents are
40 printed in book form and a copy of such printed code and related
41 documents so marked as to indicate plainly what portion thereof, if
42 less than the whole, is intended to be adopted, is annexed to such
43 ordinance and if such code and related documents or such portion
44 thereof as is intended to be adopted is so described in said
45 ordinance as to identify them and there is indicated in said
46 description the common or trade name, if any, of such code and
47 related documents and it is stated in the ordinance that one copy of

1 said code and said related documents, similarly marked, have been
2 placed on file in the office of the clerk of said board, upon the
3 introduction of said ordinance and will remain on file there until
4 final action is taken on said ordinance, for the use and examination
5 of the public.

6 It shall not be necessary to publish any such code or related
7 documents, so to be adopted, as part of any such ordinance
8 notwithstanding that a printed copy thereof is annexed thereto,
9 either before or after the final passage of such ordinance, if said
10 printed copy is filed as aforesaid. The board of freeholders
11 however may order the publication of said code or a synopsis in the
12 manner provided by section 142 of **[this act]** P.L.1972, c.154
13 (C.40:41A-142) if it is deemed that such procedure will be in the
14 public interest because of the content and importance of the
15 provisions of the code.

16 If any such ordinance is adopted, the said copy of said code and
17 related documents shall remain on file in said office, so long as said
18 ordinance is in effect, and one certified copy shall be placed on file
19 and shall remain on file in the office of each clerk of each
20 municipality within the county, for the use and examination of the
21 public so long as said ordinance is in effect and printed copies of
22 said ordinance and said code and related documents shall be made
23 available to citizens on request and for which a reasonable fee may
24 be charged.

25 For the purpose of proof of any such ordinance or receipt thereof
26 in evidence in all courts and places, such copy of such code and
27 related documents, so marked and annexed to such ordinance, shall
28 be construed to be part of said ordinance, as fully as though it had
29 been set forth at length therein.

30 (7) The board may prescribe penalties for the violation of
31 ordinances it may have authority to pass, either by imprisonment in
32 the county jail for any term not exceeding 90 days, or by a fine not
33 exceeding \$500.00, or both. The court before which any person is
34 convicted of violating any such ordinance shall have power to
35 impose any fine or term of imprisonment not exceeding the
36 maximum fixed in such ordinance.

37 Any person convicted of the violation of any ordinance may, in
38 the discretion of the court by which he was convicted, and in
39 default of the payment of any fine imposed therefor, be imprisoned
40 in the county jail for any term not exceeding 90 days for such
41 default.

42 c. No ordinance shall take effect less than 20 days after its final
43 passage by the board and approval by the county executive, or
44 supervisor or board chairman or president, where such approval is
45 required, unless the board shall adopt a resolution declaring an
46 emergency and at least two-thirds of all the members of the board

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1 vote in favor of such resolution.
2 (cf: P.L.1977, c.150, s.1)

3

4 2. This act shall take effect immediately.

5

6

7

8

9 Permits certain county boards of chosen freeholders to publish
10 notices of proposed or amended ordinances by title and summary.

SENATE, No. 316

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Permits certain county boards of chosen freeholders to publish notices of proposed or amended ordinances by title and summary.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S316 WHELAN

2

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2 boards of chosen freeholders and amending P.L.1972, c.154.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 101 of P.L.1972, c.154 (C.40:41A-101) is amended
8 to read as follows:

9 101. a. An ordinance shall mean any act or regulation of the
10 board, except an expense budget or capital budget, required to be
11 reduced to writing, published after introduction, and considered for
12 final passage after public hearing at a meeting subsequent to the
13 meeting at which it was introduced;

14 b. Except as otherwise provided by general law the procedure
15 for the passage of ordinances shall be as follows:

16 (1) Every ordinance after being introduced and having passed a
17 first reading, which first reading may be by title, shall be published
18 in its entirety, or by title, or by title and summary, at least once in
19 the manner provided by section 142 of **[this act]** P.L.1972, c.154
20 (C.40:41A-142), together with a notice of the introduction thereof
21 and the time and place when and where it will be further considered
22 for final passage. If there be only one such publication the same
23 shall be at least 1 week prior to the time fixed for further
24 consideration for final passage, and shall consist of a clear and
25 concise statement prepared by the clerk of the board of chosen
26 freeholders setting forth the purpose of the ordinance, and the time
27 and place when and where a copy of the ordinance can be obtained
28 without cost by any member of the general public who wants a copy
29 of the ordinance. If there be more than one publication, the first
30 shall be at least 1 week prior to the time fixed for further
31 consideration for final passage. A copy of the proposed ordinance
32 shall also be sent by regular mail to the clerk of each municipality
33 in the county not less than 1 week prior to the date of hearing.

34 (2) At the time and place so stated in such publication, or at any
35 time and place to which the meeting for the further consideration of
36 the ordinance shall from time to time be adjourned, all persons
37 interested shall be given an opportunity to be heard concerning the
38 ordinance. Final passage thereof shall be at least 10 days from the
39 first reading.

40 (3) Upon the opening of the hearing, the ordinance shall be
41 given a second reading, which reading may be by title, and
42 thereafter, it may be passed by a majority of the whole number of
43 the board, with or without amendments, or rejected. Prior to the
44 said second reading, a copy of the ordinance shall be posted on the
45 bulletin board or other place upon which public notices are

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not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 customarily posted in the building in which the board regularly
2 meets, and copies of the ordinance shall be made available to
3 members of the general public who shall request such copies. If
4 any amendment be adopted, altering the ordinance, the ordinance as
5 so amended shall not be finally adopted until at least 1 week
6 thereafter, and the ordinance as amended shall be read at a meeting
7 of the board, which reading may be by title, and shall be published
8 in its entirety, or by title, or by title and summary, together with a
9 notice of the introduction, the time and place when and where a
10 copy of the ordinance can be obtained without cost by any member
11 of the general public who wants a copy of the ordinance, and the
12 time and place when and where the amended ordinance will be
13 further considered for final passage, at least 2 days prior to the time
14 so fixed. At the time and place so fixed, or at any other meeting to
15 which the further consideration of the amended ordinance may be
16 adjourned, the board may proceed to pass the ordinance, as
17 amended, or again amend it in the same manner.

18 (4) Upon passage, every ordinance, or the title, or the title and a
19 summary, together with a notice of the date of passage or approval,
20 or both, shall be published at least once in the manner provided by
21 section 142 of **[this act]** P.L.1972, c.154 (C.40:41A-142).

22 (5) One certified copy of the full text of every ordinance so
23 adopted shall be filed with the clerk of each municipality within the
24 county not later than 10 days after the date of final passage.

25 (6) The board may enact, amend or supplement ordinances
26 establishing, amending or supplementing a code or any parts
27 thereof, not inconsistent with law, by reference to such code in any
28 such ordinance and without inclusion of the text thereof in such
29 ordinance if the code to be adopted and any related documents are
30 printed in book form and a copy of such printed code and related
31 documents so marked as to indicate plainly what portion thereof, if
32 less than the whole, is intended to be adopted, is annexed to such
33 ordinance and if such code and related documents or such portion
34 thereof as is intended to be adopted is so described in said
35 ordinance as to identify them and there is indicated in said
36 description the common or trade name, if any, of such code and
37 related documents and it is stated in the ordinance that one copy of
38 said code and said related documents, similarly marked, have been
39 placed on file in the office of the clerk of said board, upon the
40 introduction of said ordinance and will remain on file there until
41 final action is taken on said ordinance, for the use and examination
42 of the public.

43 It shall not be necessary to publish any such code or related
44 documents, so to be adopted, as part of any such ordinance
45 notwithstanding that a printed copy thereof is annexed thereto,
46 either before or after the final passage of such ordinance, if said
47 printed copy is filed as aforesaid. The board of freeholders

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1 however may order the publication of said code or a synopsis in the
2 manner provided by section 142 of **[this act]** P.L.1972, c.154
3 (C.40:41A-142) if it is deemed that such procedure will be in the
4 public interest because of the content and importance of the
5 provisions of the code.

6 If any such ordinance is adopted, the said copy of said code and
7 related documents shall remain on file in said office, so long as said
8 ordinance is in effect, and one certified copy shall be placed on file
9 and shall remain on file in the office of each clerk of each
10 municipality within the county, for the use and examination of the
11 public so long as said ordinance is in effect and printed copies of
12 said ordinance and said code and related documents shall be made
13 available to citizens on request and for which a reasonable fee may
14 be charged.

15 For the purpose of proof of any such ordinance or receipt thereof
16 in evidence in all courts and places, such copy of such code and
17 related documents, so marked and annexed to such ordinance, shall
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24 convicted of violating any such ordinance shall have power to
25 impose any fine or term of imprisonment not exceeding the
26 maximum fixed in such ordinance.

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28 the discretion of the court by which he was convicted, and in
29 default of the payment of any fine imposed therefor, be imprisoned
30 in the county jail for any term not exceeding 90 days for such
31 default.

32 c. No ordinance shall take effect less than 20 days after its final
33 passage by the board and approval by the county executive, or
34 supervisor or board chairman or president, where such approval is
35 required, unless the board shall adopt a resolution declaring an
36 emergency and at least two-thirds of all the members of the board
37 vote in favor of such resolution.

38 (cf: P.L.1977, c.150, s.1)

39

40 2. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill amends the "Optional County Charter Law," P.L. 1972,
46 c. 154 (C. 40:41A-1 et seq.) to provide that any ordinance proposed
47 by the board of chosen freeholders, including any amendments,

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1 supplements, revisions or codifications, may be published in its
2 entirety, or by title, or by title and summary, at least once in the
3 manner provided by section 142 of P.L.1972, c.154 (C.40:41A-
4 142), together with a notice of the introduction and the time and
5 place when and where it will be further considered for final
6 passage. If there is only one such publication it shall be made at
7 least one week prior to the time fixed for further consideration for
8 final passage, and shall consist of a clear and concise statement
9 prepared by the clerk of the board of chosen freeholders setting
10 forth the purpose of the ordinance, and the time and place when and
11 where a copy of the ordinance can be obtained without cost by any
12 member of the general public who wants a copy of the ordinance.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 316

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2012

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 316.

This bill amends the "Optional County Charter Law," P.L. 1972, c. 154 (C. 40:41A-1 et seq.) to provide that any ordinance proposed by the board of chosen freeholders, including any amendments, supplements, revisions or codifications, may be published in its entirety, or by title, or by title and summary, at least once in the manner provided by section 142 of P.L.1972, c.154 (C.40:41A-142), together with a notice of the introduction and the time and place when and where it will be further considered for final passage. If there is only one such publication it shall be made at least one week prior to the time fixed for further consideration for final passage, and shall consist of a clear and concise statement prepared by the clerk of the board of chosen freeholders setting forth the purpose of the ordinance, and the time and place when and where a copy of the ordinance can be obtained without cost by any member of the general public who wants a copy of the ordinance.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 316

STATE OF NEW JERSEY

DATED: MARCH 7, 2013

The Assembly Housing and Local Government Committee reports favorably Senate Bill No. 316.

This bill amends the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) to provide that any ordinance proposed by the board of chosen freeholders, including any amendments, supplements, revisions, or codifications, may be published in its entirety, or by title, or by title and summary, at least once in the manner provided by section 142 of P.L.1972, c.154 (C.40:41A-142), together with a notice of the introduction and the time and place when and where it will be further considered for final passage. If there is only one such publication it shall be made at least one week prior to the time fixed for further consideration for final passage, and shall consist of a clear and concise statement prepared by the clerk of the board of chosen freeholders setting forth the purpose of the ordinance, and the time and place when and where a copy of the ordinance can be obtained without cost by any member of the general public who wants a copy of the ordinance.

STATEMENT TO

SENATE, No. 316

with Assembly Floor Amendments
(Proposed by Assemblyman BURZICHELLI)

ADOPTED: APRIL 29, 2013

These Assembly floor amendments move certain amendatory language concerning the publication and public availability of county ordinances up one sentence in order to make the language consistent with the structure of N.J.S.A.40:49-2. These changes are necessary to ensure that the language of the bill conforms to the legislative intent.

Additionally, these amendments add public notice requirements to ensure that, when a county ordinance is amended prior to final passage, a statement shall be published setting forth the purpose of the amended ordinance. These amendments would bring the public notice requirements for county ordinances into closer conformity with those requirements for municipal ordinances.

ASSEMBLY, No. 3725

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 28, 2013

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman JOHN F. AMODEO
District 2 (Atlantic)
Assemblyman CHRIS A. BROWN
District 2 (Atlantic)

SYNOPSIS

Permits certain county boards of chosen freeholders to publish notices of proposed or amended ordinances by title and summary.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/30/2013)

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16 in evidence in all courts and places, such copy of such code and
17 related documents, so marked and annexed to such ordinance, shall
18 be construed to be part of said ordinance, as fully as though it had
19 been set forth at length therein.

20 (7) The board may prescribe penalties for the violation of
21 ordinances it may have authority to pass, either by imprisonment in
22 the county jail for any term not exceeding 90 days, or by a fine not
23 exceeding \$500.00, or both. The court before which any person is
24 convicted of violating any such ordinance shall have power to
25 impose any fine or term of imprisonment not exceeding the
26 maximum fixed in such ordinance.

27 Any person convicted of the violation of any ordinance may, in
28 the discretion of the court by which he was convicted, and in
29 default of the payment of any fine imposed therefor, be imprisoned
30 in the county jail for any term not exceeding 90 days for such
31 default.

32 c. No ordinance shall take effect less than 20 days after its final
33 passage by the board and approval by the county executive, or
34 supervisor or board chairman or president, where such approval is
35 required, unless the board shall adopt a resolution declaring an
36 emergency and at least two-thirds of all the members of the board
37 vote in favor of such resolution.

38 (cf: P.L.1977, c.150, s.1)

39

40 2. This act shall take effect immediately.

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42

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STATEMENT

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45 This bill amends the "Optional County Charter Law," P.L.1972,
46 c. 154 (C. 40:41A-1 et seq.) to provide that any ordinance proposed
47 by the board of chosen freeholders, including any amendments,
48 supplements, revisions or codifications, may be published in its

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1 entirety, or by title, or by title and summary, at least once in the
2 manner provided by section 142 of P.L.1972, c.154 (C.40:41A-
3 142), together with a notice of the introduction and the time and
4 place when and where it will be further considered for final
5 passage. If there is only one such publication it shall be made at
6 least one week prior to the time fixed for further consideration for
7 final passage, and shall consist of a clear and concise statement
8 prepared by the clerk of the board of chosen freeholders setting
9 forth the purpose of the ordinance, and the time and place when and
10 where a copy of the ordinance can be obtained without cost by any
11 member of the general public who wants a copy of the ordinance.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3725

STATE OF NEW JERSEY

DATED: MARCH 7, 2013

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 3725.

This bill amends the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) to provide that any ordinance proposed by the board of chosen freeholders, including any amendments, supplements, revisions, or codifications, may be published in its entirety, or by title, or by title and summary, at least once in the manner provided by section 142 of P.L.1972, c.154 (C.40:41A-142), together with a notice of the introduction and the time and place when and where it will be further considered for final passage. If there is only one such publication it shall be made at least one week prior to the time fixed for further consideration for final passage, and shall consist of a clear and concise statement prepared by the clerk of the board of chosen freeholders setting forth the purpose of the ordinance, and the time and place when and where a copy of the ordinance can be obtained without cost by any member of the general public who wants a copy of the ordinance.