

40:14A-7th seq.

LEGISLATIVE FACT SHEET

ON *Sewerage authorities -- Agreements*

N.J.R.S. 40:14A-7th seq.
(1968 Amendment)

LAWS OF 1968

CHAPTER 317 Oct. 7, 1968

SENATE 652

ASSEMBLY

INTRODUCED April 3, 1968

BY Stout

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING *None discovered*

VETO

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40:14A-8

LEGISLATIVE HISTORY

CHECKLIST

NJSA 40: 14A-8

Laws of 1968 Chapter 317, §2

Bill No. S652

Sponsor(s) Stout

Date introduced April 8, 1968

Committee: Assembly County & Mun. Gov't.

Senate
~~Committee~~ County & Mun. Gov't.

Amended during passage

☒ Subsec. No
8(d) added

Date of passage: Assembly June 17

Senate May 13

Date of approval October 7

Following statements are attached if available:

Sponsor statement Yes ☐ No ☒

Committee Statement: Assembly Yes ☐ No ☒

Senate Yes ☐ No ☒

Fiscal Note Yes ☐ No ☒

Veto message Yes ☐ No ☒

Message on signing Yes ☐ No ☒

Following were printed:

Reports Yes ☐ No ☒

Hearings Yes ☐ No ☒

40:14A - 23

December 21, 1970

LEGISLATIVE HISTORY OF R.S. 40:14A-23
(Any sewerage authority - collect sewerage)

(1970 amendment)

Copy 2

Similar bills introduced (1965-1970)

1968 - S652
Chapter 317 of 1968

L. 1970, Chapter 37, A978
Introduced April 20 by Hurley, Cafiero.
Not amended during passage.
No statement.

No clippings located at: V.F.--N.J.--Sewerage (1970).

RSL/PC

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SENATE, No. 652

STATE OF NEW JERSEY

INTRODUCED APRIL 8, 1968

By Senator STOUT

Referred to Committee on County and Municipal Government

AN ACT to amend the "Sewerage Authorities Law," approved
April 23, 1946 (P. L. 1946, c. 138).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 7 of the act of which this act is amendatory is amended
2 to read as follows:

3 7. Every sewerage authority shall be a public body politic and
4 corporate constituting a political subdivision of the State estab-
5 lished as an instrumentality exercising public and essential govern-
6 mental functions to provide for the public health and welfare and
7 shall have perpetual succession and have the following powers:

8 (1) To adopt and have a common seal and to alter the same at
9 pleasure;

10 (2) To sue and to be sued;

11 (3) In the name of the sewerage authority and on its behalf, to
12 acquire, hold, use and dispose of its service charges and other
13 revenues and other moneys;

14 (4) In the name of the sewerage authority but for the local
15 unit or units, to acquire, hold, use and dispose of other personal
16 property for the purposes of the sewerage authority;

17 (5) In the name of the sewerage authority but for the local
18 unit or units, to acquire by purchase, gift, condemnation or other-
19 wise, real property and easements therein, necessary or useful and
20 convenient for the purposes of the sewerage authority, and subject
21 to mortgages, deeds of trust or other liens, or otherwise, and to
22 hold and to use the same, and to dispose of property so acquired
23 no longer necessary for the purposes of the sewerage authority;

24 (6) To provide for and secure the payment of any bonds and
25 the rights of the holders thereof, and to purchase, hold and dispose
26 of any bonds;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

27 (7) To accept gifts or grants of real or personal property,
 28 money, material, labor or supplies for the purposes of the sewerage
 29 authority, and to make and perform such agreements and contracts
 30 as may be necessary or convenient in connection with the procuring,
 31 acceptance or disposition of such gifts or grants;

32 (8) To enter on any lands, waters or premises for the purpose
 33 of making surveys, borings, soundings and examinations for the
 34 purposes of the sewerage authority;

35 (9) To make and enforce by-laws or rules and regulations for
 36 the management and regulation of its business and affairs and for
 37 the use, maintenance and operation of the sewerage system and
 38 any other of its properties, and to amend the same;

39 (10) To do and perform any acts and things authorized by this
 40 act under, through or by means of its own officers, agents and em-
 41 ployees, or by contracts with any persons; **[and]**

42 (11) To enter into any and all contracts, execute any and all
 43 instruments, and do and perform any and all acts or things neces-
 44 sary, convenient or desirable for the purposes of the sewerage
 45 authority or to carry out any power expressly given in this act; and

46 (12) *To enter into any and all lease agreements with sewerage*
 47 *authorities, and municipalities, and counties operating sewerage*
 48 *systems, for the rental of equipment owned by authority and mu-*
 49 *nicipality and/or county, together with the personnel to operate*
 50 *said equipment.*

1 2. Section 8 of the act of which this act is amendatory is amended
 2 to read as follows:

3 8. (a) Every sewerage authority is hereby authorized to charge
 4 and collect rents, rates, fees or other charges (in this act sometimes
 5 referred to as "service charges") for direct or indirect connection
 6 with, or the use or services of, the sewerage system. Such service
 7 charges may be charged to and collected from any person contract-
 8 ing for such connection or use or services or from the owner or
 9 occupant, or both of them, of any real property which directly or
 10 indirectly is or has been connected with the system or from or on
 11 which originates or has originated sewage or other wastes which
 12 directly or indirectly have entered or may enter the sewerage sys-
 13 tem, and the owner of any such real property shall be liable for
 14 and shall pay such service charges to the sewerage authority at the
 15 time when and place where such service charges are due and
 16 payable.

17 (b) **[Such rents]** *Rents, rates, fees and charges, which may be*
 18 *payable periodically, being in the nature of use or service charges,*
 19 *shall as nearly as the sewerage authority shall deem practicable*

20 and equitable be uniform throughout the district for the same type,
21 class and amount of use or service of the sewerage system, and
22 may be based or computed either on the consumption of water on
23 or in connection with the real property, making due allowance for
24 commercial use of water, or on the number and kind of water out-
25 lets on or in connection with the real property, or on the number
26 and kind of plumbing or sewerage fixtures or facilities on or in
27 connection with the real property, or on the number of persons
28 residing or working on or otherwise connected or identified with
29 the real property, or on the capacity of the improvements on or
30 connected with the real property, or on any other factors deter-
31 mining the type, class and amount of use or service of the sewerage
32 system, or on any combination of any such factors, and may give
33 weight to the characteristics of the sewage and other wastes and
34 any other special matter affecting the cost of treatment and dis-
35 posal thereof, including chlorine demand, biochemical oxygen
36 demand, concentration of solids and chemical composition. *In*
37 *addition to any such periodic service charges, a separate charge in*
38 *the nature of a connection fee or tapping fee, in respect of each*
39 *connection of any property with the sewerage system may be im-*
40 *posed upon the person making such connection or upon the owner*
41 *or occupant of the property so connected. Such connection charges*
42 *shall be uniform within each class of users but the amount thereof*
43 *shall otherwise be entirely within the discretion of the authority*
44 *in order that the combination of such connection fee or tapping fee*
45 *and the aforesaid periodic service charges shall meet the require-*
46 *ments of subsection (c) hereof.*

47 (c) The sewerage authority shall prescribe and from time to
48 time when necessary revise a schedule of such service charges,
49 which shall comply with the terms of any contract of the sewerage
50 authority and in any event shall be such that the revenues of the
51 sewerage authority will at all times be adequate to pay all expenses
52 of operation and maintenance of the sewerage system, including
53 reserves, insurance, extensions, and replacements, and to pay
54 punctually the principal of and interest on any bonds and to main-
55 tain such reserves or sinking funds therefor as may be required
56 by the terms of any contract of the sewerage authority or as may
57 be deemed necessary or desirable by the sewerage authority. Said
58 schedule shall thus be prescribed and from time to time revised
59 by the sewerage authority after public hearing thereon which shall
60 be held by the sewerage authority at least 7 days after such pub-
61 lished notice as the sewerage authority may determine to be

62 reasonable. The sewerage authority shall likewise fix and deter-
63 mine the time or times when and the place or places where such
64 service charges shall be due and payable and may require that
65 such service charges shall be paid in advance for periods of not
66 more than 1 year. A copy of such schedule of service charges in
67 effect shall at all times be kept on file at the principal office of the
68 sewerage authority and shall at all reasonable times be open to
69 public inspection.

1 3. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENT TO
SENATE, No. 652

STATE OF NEW JERSEY

ADOPTED MAY 6, 1968

Amend page 4, section 2, line 69, after line 69, insert a new subsection (d) as follows:

“(d) Any county sewerage authority may establish sewerage regions in portions of the district. Rents, rates, fees and charges which may be payable periodically, being in the nature of use or service charges, shall as nearly as the sewerage authority shall deem practical and equitable, be uniform throughout the district for the same type, class and amount of use or service of the sewage systems and shall meet all other requirements of subsection (b) hereof.”.

STATE OF NEW JERSEY

INTRODUCED APRIL 8, 1968

By Senator STOUT

Referred to Committee on County and Municipal Government

AN ACT to amend the "Sewerage Authorities Law," approved April 23, 1946 (P. L. 1946, c. 138).

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2 *of New Jersey:*

1 1. Section 7 of the act of which this act is amendatory is amended
2 to read as follows:

3 7. Every sewerage authority shall be a public body politic and
4 corporate constituting a political subdivision of the State estab-
5 lished as an instrumentality exercising public and essential govern-
6 mental functions to provide for the public health and welfare and
7 shall have perpetual succession and have the following powers:

8 (1) To adopt and have a common seal and to alter the same at
9 pleasure;

10 (2) To sue and to be sued;

11 (3) In the name of the sewerage authority and on its behalf, to
12 acquire, hold, use and dispose of its service charges and other
13 revenues and other moneys;

14 (4) In the name of the sewerage authority but for the local
15 unit or units, to acquire, hold, use and dispose of other personal
16 property for the purposes of the sewerage authority;

17 (5) In the name of the sewerage authority but for the local
18 unit or units, to acquire by purchase, gift, condemnation or other-
19 wise, real property and easements therein, necessary or useful and
20 convenient for the purposes of the sewerage authority, and subject
21 to mortgages, deeds of trust or other liens, or otherwise, and to
22 hold and to use the same, and to dispose of property so acquired
23 no longer necessary for the purposes of the sewerage authority;

24 (6) To provide for and secure the payment of any bonds and
25 the rights of the holders thereof, and to purchase, hold and dispose
26 of any bonds;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

27 (7) To accept gifts or grants of real or personal property,
 28 money, material, labor or supplies for the purposes of the sewerage
 29 authority, and to make and perform such agreements and contracts
 30 as may be necessary or convenient in connection with the procuring,
 31 acceptance or disposition of such gifts or grants;

32 (8) To enter on any lands, waters or premises for the purpose
 33 of making surveys, borings, soundings and examinations for the
 34 purposes of the sewerage authority;

35 (9) To make and enforce by-laws or rules and regulations for
 36 the management and regulation of its business and affairs and for
 37 the use, maintenance and operation of the sewerage system and
 38 any other of its properties, and to amend the same;

39 (10) To do and perform any acts and things authorized by this
 40 act under, through or by means of its own officers, agents and em-
 41 ployees, or by contracts with any persons; **[and]**

42 (11) To enter into any and all contracts, execute any and all
 43 instruments, and do and perform any and all acts or things neces-
 44 sary, convenient or desirable for the purposes of the sewerage
 45 authority or to carry out any power expressly given in this act; *and*

46 (12) *To enter into any and all lease agreements with sewerage*
 47 *authorities, and municipalities, and counties operating sewerage*
 48 *systems, for the rental of equipment owned by authority and mu-*
 49 *nicipality and/or county, together with the personnel to operate*
 50 *said equipment.*

1 2. Section 8 of the act of which this act is amendatory is amended
 2 to read as follows:

3 8. (a) Every sewerage authority is hereby authorized to charge
 4 and collect rents, rates, fees or other charges (in this act sometimes
 5 referred to as "service charges") for direct or indirect connection
 6 with, or the use or services of, the sewerage system. Such service
 7 charges may be charged to and collected from any person contract-
 8 ing for such connection or use or services or from the owner or
 9 occupant, or both of them, of any real property which directly or
 10 indirectly is or has been connected with the system or from or on
 11 which originates or has originated sewage or other wastes which
 12 directly or indirectly have entered or may enter the sewerage sys-
 13 tem, and the owner of any such real property shall be liable for
 14 and shall pay such service charges to the sewerage authority at the
 15 time when and place where such service charges are due and
 16 payable.

17 (b) **[Such rents]** *Rents, rates, fees and charges, which may be*
 18 *payable periodically, being in the nature of use or service charges,*
 19 *shall as nearly as the sewerage authority shall deem practicable*

20 and equitable be uniform throughout the district for the same type,
21 class and amount of use or service of the sewerage system, and
22 may be based or computed either on the consumption of water on
23 or in connection with the real property, making due allowance for
24 commercial use of water, or on the number and kind of water out-
25 lets on or in connection with the real property, or on the number
26 and kind of plumbing or sewerage fixtures or facilities on or in
27 connection with the real property, or on the number of persons
28 residing or working on or otherwise connected or identified with
29 the real property, or on the capacity of the improvements on or
30 connected with the real property, or on any other factors deter-
31 mining the type, class and amount of use or service of the sewerage
32 system, or on any combination of any such factors, and may give
33 weight to the characteristics of the sewage and other wastes and
34 any other special matter affecting the cost of treatment and dis-
35 posal thereof, including chlorine demand, biochemical oxygen
36 demand, concentration of solids and chemical composition. *In*
37 *addition to any such periodic service charges, a separate charge in*
38 *the nature of a connection fee or tapping fee, in respect of each*
39 *connection of any property with the sewerage system may be im-*
40 *posed upon the person making such connection or upon the owner*
41 *or occupant of the property so connected. Such connection charges*
42 *shall be uniform within each class of users but the amount thereof*
43 *shall otherwise be entirely within the discretion of the authority*
44 *in order that the combination of such connection fee or tapping fee*
45 *and the aforesaid periodic service charges shall meet the require-*
46 *ments of subsection (c) hereof.*

47 (c) The sewerage authority shall prescribe and from time to
48 time when necessary revise a schedule of such service charges,
49 which shall comply with the terms of any contract of the sewerage
50 authority and in any event shall be such that the revenues of the
51 sewerage authority will at all times be adequate to pay all expenses
52 of operation and maintenance of the sewerage system, including
53 reserves, insurance, extensions, and replacements, and to pay
54 punctually the principal of and interest on any bonds and to main-
55 tain such reserves or sinking funds therefor as may be required
56 by the terms of any contract of the sewerage authority or as may
57 be deemed necessary or desirable by the sewerage authority. Said
58 schedule shall thus be prescribed and from time to time revised
59 by the sewerage authority after public hearing thereon which shall
60 be held by the sewerage authority at least 7 days after such pub-
61 lished notice as the sewerage authority may determine to be

62 reasonable. The sewerage authority shall likewise fix and deter-
63 mine the time or times when and the place or places where such
64 service charges shall be due and payable and may require that
65 such service charges shall be paid in advance for periods of not
66 more than 1 year. A copy of such schedule of service charges in
67 effect shall at all times be kept on file at the principal office of the
68 sewerage authority and shall at all reasonable times be open to
69 public inspection.

70 **(d) Any county sewerage authority may establish sewerage*
71 *regions in portions of the district. Rents, rates, fees and charges*
72 *which may be payable periodically, being in the nature of use or*
73 *service charges, shall as nearly as the sewerage authority shall*
74 *deem practical and equitable, be uniform throughout the district*
75 *for the same type, class and amount of use or service of the sewage*
76 *systems and shall meet all other requirements of subsection (b)*
77 *hereof.**

1 3. This act shall take effect immediately.