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# ASSEMBLY, No. 253

(P. L. 1899, Chapter 36, Page 48.)

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1928.

By Mr. BAXTER.

Referred to Committee on Miscellaneous Business.

AN ACT to change and amend the title and body of an act entitled "An act to authorize two or more municipalities of this State to jointly construct and maintain outlet or trunk sewers and to authorize every such municipality to construct local sewers within its corporate limits connecting with or discharging into such joint outlet or trunk sewers," approved March fifteenth, one thousand eight hundred ninety-nine.

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

1 1. The title of the act of which this is an amendment is hereby changed and  
2 amended so that henceforth it shall read as follows:

3 An act to authorize two or more municipalities of this State to jointly con-  
4 struct and maintain outlet or trunk sewers; and to jointly construct and maintain  
5 sewage disposal plants in connection therewith; and to authorize every such munici-  
6 pality to construct local sewers within its corporate limits connecting with or dis-  
7 charging into such joint outlet or trunk sewers and such sewage disposal plants.

1 2. Section one of the act is hereby amended to read as follows:

2 1. It shall be lawful for any two or more municipalities in this State, without  
3 regard to the form of their incorporation, to jointly provide for and cause to be  
4 constructed, and to thereafter maintain, an outlet or trunk sewer or sewers or drains,  
5 or sewage disposal plants or either or any of them, in the manner herein provided;  
6 and to that end the governing bodies or boards of any two or more municipalities  
7 in this State, such boards being charged by law with the duty of constructing sewers  
8 or drains in such municipalities, respectively, may unite and jointly cause to be made

9 at their joint expense, by competent engineers, mechanics and others, surveys, maps,  
10 plans, reports and estimates of proposed work and improvements relating to any  
11 contemplated outlet or trunk sewer or sewers, or drains and appurtenances, or sewage  
12 disposal plants, which such municipalities may desire to jointly construct, build  
13 and maintain under the authority conferred by this act, and for such purposes and  
14 before determining upon a final route and plan for the building or construction of  
15 any public improvement or work authorized by this act, and for the making of the  
16 surveys, maps, plans, reports and estimates as provided in this section, it shall be  
17 lawful for the municipalities desiring to make such improvements, by their officers,  
18 agents, servants and employees, to enter at all times upon any lands or waters, for  
19 the purpose of exploring, surveying, leveling and laying out the route of any outlet  
20 or trunk sewer, sewers, or drains and appurtenances, locating sewage disposal plants  
21 or storage basins or pumping or other works, establishing grades and for the doing  
22 of all necessary preliminary work, doing, however, no unnecessary damage or injury  
23 to private or other property; such surveys, maps, plans, reports, and estimates, or true  
24 copies thereof, shall be delivered by the persons making the same to the clerk of each  
25 of the municipalities joining in the expense of making the same, together with a  
26 statement or estimate of the cost and expense of such proposed improvement, and  
27 the percentage of such cost and expense proposed to be apportioned to and paid by  
28 each of such municipalities, and also an estimate of the annual cost of maintenance,  
29 repairs, operation and supervision of such proposed improvements, ~~to be annually~~  
30 paid by each of such municipalities after the completion of such improvements; said  
31 clerks of the respective municipalities interested as aforesaid shall immediately sub-  
32 mit to the governing body or board of such municipality having charge of the con-  
33 struction of sewers and drains in such municipality, all the surveys, maps, plans,  
34 reports, estimates and statements so delivered to him, and said municipal body or  
35 board shall immediately thereafter proceed to consider the same, and if the said board  
36 shall not approve the same and decide not to join in the construction of the proposed  
37 improvements to which the matters submitted relate, then said board shall pass a res-  
38 olution declaring its refusal to join in the construction of the said public improve-  
39 ments, and a copy of such resolution, duly certified by the clerk thereof, shall be served  
40 on the clerk of each of the other municipalities to whom like service was made as on the

41 clerk of the municipality so refusing; if, on the contrary, such governing body or  
42 board of such municipality, as aforesaid, shall, after such consideration, by resolu-  
43 tion duly adopted, approve the surveys, maps, plans, reports, estimates and state-  
44 ments so submitted to it as aforesaid, then it shall cause such surveys, maps, plans,  
45 reports, estimates and statements to be filed with the clerk of such municipality, there  
46 to remain of record; a copy of the said resolution of approval certified by the  
47 municipal clerk shall be by him served on the clerk of each of the other municipalities  
48 interested in the making of the surveys, maps, plans, reports, estimates and state-  
49 ments so submitted and approved as aforesaid; it shall be lawful for any two or  
50 more of the municipalities, so adopting such resolution of approval as aforesaid, and  
51 desiring to unite in the construction and making and maintaining of such public  
52 improvements as aforesaid, to thereupon respectively authorize, by an ordinance duly  
53 passed, the making and entering into, by and on behalf of such municipalities re-  
54 spectively, of a joint contractor contracts in writing (for which authority is hereby  
55 fully given) with such other municipality or municipalities as may then or thereafter  
56 desire to unite for the joint building and constructing, operating and maintaining of  
57 such outlet or trunk sewer or sewers or sewage disposal plants at the joint cost and  
58 expense of such contracting or associated municipalities, and as may be provided and  
59 specified in said contract, and for the construction of any necessary storage basins for  
60 collecting the sewage of such contracting or associated municipalities, or of any mu-  
61 nicipality located therein, and for acquiring the right to connect with and use any  
62 outlet or trunk sewer or sewers, or system of sewers and appurtenances that may  
63 have been theretofore constructed, or that may thereafter be constructed, within or  
64 by any other municipality, or within or by any of the municipalities so jointly con-  
65 tracting as aforesaid; such ordinance shall generally describe the route or line, size,  
66 capacity and extent of the proposed outlet or trunk sewer or sewers or drains and  
67 appurtenances to be jointly constructed by the municipalities contracting therefor  
68 with each other as aforesaid; also a general description of the main or trunk sew-  
69 ers or drains, if any, to be connected with such outlet or trunk sewer, and forming  
70 a part of such outlet or trunk sewer system; such ordinance shall also prescribe and  
71 fix the percentage of the capacity of such outlet or trunk sewer or sewers or drains  
72 and appurtenances and connections, to the use of which such municipality shall be

73 entitled; also the percentage of the total cost, damages and expense of said improve-  
74 ments to be paid by each contracting municipality; after the passage of such ordi-  
75 nance by such municipality, pursuant to the laws governing the same, it shall be lawful  
76 for the proper officers thereof to join with the proper officers of the other municipali-  
77 ties so authorized by ordinance, in executing a joint contract in accordance with the  
78 provisions of the ordinance of such municipality hereby authorized to be enacted by  
79 such municipality, and such municipality and all the other contracting municipalities  
80 are hereby authorized to do any and all acts necessary or advisable regarding the  
81 execution and recording of such joint contract.

1     3. Section three of the act is hereby amended to read as follows:

2     3. The said joint meeting acting on behalf and in the corporate names of the  
3 several municipalities jointly contracting with each other regarding the public im-  
4 provements authorized to be jointly made under the provisions of this act, and rep-  
5 resented in such joint meeting, shall have full power, in the joint name of all the con-  
6 tracting municipalities, to purchase and acquire all lands, rights or interests in land  
7 which may be deemed necessary for the construction of any and all the outlet or  
8 trunk sewers, drains, or for sewage disposal plants, storage, pumping and other  
9 works and appurtenances connected therewith; all proceedings at law or in equity  
10 relating to the doing of the work of the public improvements authorized by this act,  
11 and accomplishing the purposes contemplated by the provisions of this act, shall be  
12 instituted or taken and conducted in ~~the joint corporate names or titles of all the~~  
13 municipalities contracting for the joint construction and building of such outlet or  
14 trunk sewer or sewers or drains and appurtenances, or other improvements or work  
15 hereby authorized in connection therewith, and when authorized or approved by joint  
16 meeting herein provided for, shall be deemed, taken and construed to have been taken  
17 and done for the proportionate benefit of all such contracting municipalities in accord-  
18 ance with the terms of the contract between them; all subcontracts, bills, estimates,  
19 measurements and all payments of money whatever, relating to or done or growing  
20 out of the public work or improvement hereby authorized, shall, before becoming  
21 effective or binding, be approved by a majority vote of such joint meeting, as herein  
22 provided, said joint meeting shall at all times keep full and accurate account  
23 of its receipts, expenditures, disbursements, assets and liabilities; an itemized or

24 detailed statement in writing signed by the chairman and secretary of such joint  
 25 meeting, and countersigned by the treasurer thereof, shall be made and rendered at  
 26 least once each month, to each municipal body or board in its corporate name,  
 27 represented in such joint meeting; such itemized or detailed statement shall include  
 28 all sums of money expended in or about such contract work, or in anywise connected  
 29 therewith, including the amount and date of payment, name of person to whom paid,  
 30 for what paid, and such other matters as may be deemed necessary to include in such  
 31 statement, and as the joint meeting or its chairman, secretary or treasurer may deem  
 32 advisable or important to include therein; said statement shall also show the amount  
 33 paid, and, as far as possible, the amount to be paid by each of the contracting mu-  
 34 nicipalities toward each item of expenditure therein included, and the total sum paid  
 35 or to be paid by each of such municipalities, pursuant to the percentage fixed to be  
 36 paid by each municipality, in the contract between them; all sums of money to be  
 37 paid respecting said improvement or in any way relating to or arising out of the  
 38 same shall be promptly paid by the several municipalities contracting, according to  
 39 the percentage fixed in the contract or contracted between the several municipalities as  
 40 aforesaid, each of such municipalities promptly contributing and paying its share  
 41 thereof to the treasurer of such joint meeting.

1 4. Section four of the act is hereby amended to read as follows:

2 4. In any contract made and entered into by municipalities pursuant to the pro-  
 3 visions of this act, it shall be lawful to provide for the repair, rebuilding, operation,  
 4 maintenance and cleaning, ~~and the cost and expense thereof,~~ of any outlet or trunk  
 5 sewer or sewers, drains, sewage disposal plants and appurtenances so built and con-  
 6 structed or of any sewer or system of sewers or drains forming a part of such outlet  
 7 or trunk sewer system.

1 5. Section five of the act is hereby amended to read as follows:

2 5. It shall be lawful for the municipalities jointly contracting, as herein pro-  
 3 vided, to jointly build and construct trunk or outlet sewer or sewers or drains, with  
 4 all necessary appurtenances, to tidewater, or to some other trunk or outlet sewer or  
 5 sewer or drains leading to tidewater, and for this purpose to pass through or partly  
 6 through territory situate within the bounds of any other municipality, and it shall be  
 7 lawful for such municipalities so contracting as aforesaid, and they shall have full

8 power and authority, to construct such outlet or trunk sewer or sewers or drains and  
9 appurtenances (upon such terms as may be agreed upon between the jointly-contract-  
10 ing municipalities and the authorities of such other municipality through the  
11 streets or highways of which it is proposed to construct such outlet sewer to tide-  
12 water; and in case no agreement can be made between the said contracting muni-  
13 cipalities and the authorities of the municipalities through the streets of which  
14 such outlet sewer is to run, the Circuit Court of the county wherein the municipality  
15 through whose streets such sewer is to run is situate shall appoint disinterested  
16 commissioners to fix terms upon which the contracting municipalities may use and  
17 occupy the streets of the municipalities through which such sewers shall run; such  
18 commissioners shall be appointed in the same manner as is provided in section ten  
19 of this act, and the findings of such commissioners shall be binding upon all the  
20 parties to such proceeding, when confirmed by the court aforesaid) along, under or  
21 over any watercourse, or under or over or across or along any street, turnpike, road,  
22 railroad, highway or other way or public park or grounds, and in or upon private or  
23 public lands under water, in such way and manner, however, as not unnecessarily to  
24 obstruct or impede travel or navigation, and may enter upon and dig up any road,  
25 street, highway or private or public land for the purpose of constructing such outlet  
26 or trunk sewer or sewers or drains and appurtenances, and for repairing and main-  
27 taining the same, and with consent of the board or body having control of the streets  
28 and highways in any municipality, may alter or change the location or grade of any  
29 highway, public street or way crossed or intercepted by such outlet or trunk or sewer  
30 or sewers or drains and appurtenances, constructed under the provisions of this act  
31 and in general may do all other acts and things necessary, convenient and proper in  
32 connection with the making and maintaining of the improvements contemplated by  
33 the provisions of this act; in case any such sewers or drains shall be laid through or  
34 across any public street, highway or public place, in a municipality other than those  
35 contracting, or be cleansed, repaired or replaced therein, the work shall be done under  
36 such reasonable regulations, if any, as may be imposed by such other municipality  
37 with respect to like work done therein by itself, and such street, highway or public  
38 place shall be, as far as possible, restored to its original condition at the proper cost  
39 of municipalities jointly contracting, and for whose benefit the work is done; *pro-*

40 *vided, however,* that nothing herein contained shall be construed to authorize such  
41 jointly contracting municipalities to discharge any such outlet sewer or sewers or  
42 drains in tidewater adjacent to or within the boundaries of any municipality of this  
43 State, until after a thorough and exhaustive examination of the locality of such dis-  
44 charge shall have been made by the State Board of Health, and a certificate from  
45 such board shall have been given to the governing body of such municipality certifi-  
46 ing that in the judgment of such board, such discharge will not in any manner  
47 prejudice or impair the health or comfort of the inhabitants of this State; and fur-  
48 ther provided, however, that no work shall be undertaken or any street, road, alley  
49 or other place occupied or land used in any municipality for the construction of sew-  
50 age disposal plants without the consent of the governing body of such municipality,  
51 upon written application being made therefor, and in case of the refusal of the  
52 municipal authorities of any municipality bordering on tidewater, to grant such per-  
53 mission then the municipalities making the application may, within thirty days after  
54 such refusal, apply to the Department of Health of the State of New Jersey, which  
55 shall have power to reverse the decision of the local authorities of such municipality  
56 bordering on tidewater, and grant, after hearing, the application for the erection of  
57 said disposal plants, upon being satisfied that such erection of disposal plants will best  
58 serve the interest of the public health and the general welfare of the municipali-  
59 ties affected and of the State of New Jersey; and in case the local authorities of any  
60 municipality grant the permit to locate such disposal plants, and the same shall be  
61 deemed objectionable by the inhabitants of the municipality where it is proposed to  
62 locate such plants, then ten citizen freeholders thereof may, within thirty days of the  
63 granting of such permit, apply to the Department of Health of the State of New  
64 Jersey, which shall have like power to reverse, after hearing, the decision of the local  
65 authorities and to prohibit the location of such disposal plants upon being satisfied  
66 that such erection of disposal plants will not best serve the interest of the public  
67 health and the general welfare of the municipalities affected and of the State of  
68 New Jersey; and it is further provided, that all municipalities making application as  
69 aforesaid for the location of any such said disposal plants shall accompany the same  
70 with a descriptive map of the premises they propose to occupy, a copy of which shall  
71 also be filed in the office of the Department of Health of the State of New Jersey;

72 and provided, further, that nothing in this act is to be construed as giving the right to  
73 construct, operate or maintain a sewage disposal plant in any municipality not border-  
74 ing upon tidewater, without the consent of the governing body of that municipality.

1 6. Section eight of the act is hereby amended to read as follows:

2 8. No ordinance authorizing the making of a contract in writing, between  
3 municipalities for the joint construction of such outlet or trunk sewer or sewers or  
4 sewage disposal plants and appurtenances, under the provisions of this act, shall be  
5 passed by the governing body or board having power to construct sewers and drains  
6 in such municipality, until public notice shall be given in a newspaper published or  
7 circulating in such municipality, of the intention of such municipal or governing  
8 board or body to join in causing such public improvement to be made, and to that  
9 end it shall be the official duty of the clerk of such body or board, by direction of  
10 such body or board, to give such notice; the notice shall briefly describe the improve-  
11 ments proposed, and request such persons as may object thereto, to present their  
12 objections in writing at the office of such clerk and file the same with him, at or  
13 before the expiration of ten days from the date of the said notice, or to the said  
14 governing body or municipal board at its first meeting held after the expiration of  
15 said ten days, and said governing body or board of such municipality may, at such  
16 meeting or afterwards, proceed to consider and pass such ordinance, notwithstanding  
17 any objection, and thereafter the proceedings of such body or board regarding said  
18 ordinance shall be the same or as nearly as may be to like proceedings regarding  
19 ordinances passed by such body or board for the construction of sewers within such  
20 municipality.

1 7. Section nine of the act is hereby amended to read as follows:

1½ 9. At any time after the execution of a contract by and between two or more  
2 municipalities in this State for the construction of an outlet or trunk sewer or sewers  
3 or drains or sewage disposal plants and appurtenances as herein provided, and when-  
4 ever such joint meeting of the municipalities shall deem it necessary, it shall  
5 be lawful for such municipalities, through the action by resolution of such joint  
6 meeting, to take and appropriate for the purposes of such improvements, any lands  
7 and real estate, either within such municipalities or any or either of them or  
8 beyond the limits of any of the same, and such contracting municipalities are hereby

9 fully authorized to so jointly treat with the owner or owners thereof for the same;  
10 and such municipalities acting in joint meeting as aforesaid may jointly secure the  
11 rights of way or purchase said lands and real estate from the owners of the same,  
12 and agree to make such compensation therefor as such joint meeting may deem  
13 reasonable, and shall receive from such owner or owners a conveyance of such lands  
14 and real estate in the joint corporate names or titles of such contracting  
15 municipalities.

1 8. Section twenty-four of the act is hereby amended to read as follows:

2 24. For the purpose of defraying the costs and expenses of the construction of  
3 such outlet or trunk sewer or sewers and drains or sewage disposal plants and their  
4 appurtenances and connections as authorized by this act, in respect of which an assess-  
5 ment for benefits may be made on lands and real estate situated in any such con-  
6 tracting municipality, the governing body or board having charge of the finances of  
7 any such contracting municipality may, if necessary, borrow money and secure the  
8 payment of the same by the notes and other temporary obligations of such munici-  
9 pality; these notes and obligations may be renewed from time to time until the  
10 work of such improvements be done, or the assessments for benefits confirmed;  
11 when so confirmed the said governing body or board of such municipality shall pro-  
12 vide for the costs and expenses of such improvements in the manner hereinafter men-  
13 tioned.

1 9. All acts and parts of acts, general, local or special, contrary to the provisions  
2 of this act, be and the same are hereby repealed; and this act shall take effect im-  
3 mediately.

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#### STATEMENT.

The purpose of this act is as set forth in the title thereof.