

# STATE OF NEW JERSEY

INTRODUCED MARCH 2, 1926.

By Mr. HURD.

L. 1926 c. 228

Referred to Committee on Municipal Corporations.

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

1 1. Subdivision (e) of Section one of Article X of an act entitled "An act en-  
2 titled "An act concerning municipalities," approved March twenty-seventh, one thou-  
3 sand nine hundred and seventeen, as amended, be and the same hereby is amended to  
4 read as follows:

5 (e) At or after such hearing, the governing body may proceed to give such  
6 ordinance a second reading or amend the same, and thereupon pass or reject such  
7 ordinance with or without amendment; *provided, however,* that in case any amend-  
8 ment should be adopted substantially altering the substance of said ordinance, such  
9 ordinance as so amended shall not be adopted until at least one week after the ordi-  
10 nance as amended shall be read at a meeting of the governing body, and shall be  
11 published, together with a notice of the introduction, and the time and place when  
12 and where such amended ordinance will be further considered for final passage, at  
13 least two days prior to the time so fixed in the notice.

1 2. This act shall take effect immediately.

---

## STATEMENT.

The purpose of this act is to correct an ambiguous provision in subdivision (e) of Section One of Article X of "An act concerning municipalities," as amended and enacted by Chapter 155, Laws of 1925, page 302, at page 393.

# STATE OF NEW JERSEY

ADOPTED MARCH 24, 1926.

AN Act to amend an act entitled "An act to amend an act entitled 'An act concerning municipalities, approved March twenty-seventh, one thousand nine hundred and seventeen,' approved March sixteenth, nineteen hundred and twenty-five."

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

1 1. Section one of Article X of an act entitled "An act to amend an act entitled  
2 'An act concerning municipalities, approved March twenty-seventh, one thousand nine  
3 hundred and seventeen,' approved March sixteenth, nineteen hundred and twenty-  
4 five," be and the same is hereby amended to read as follows:

5 1. Where the term "ordinance" is used in this act it means an act or regulation  
6 of the governing body of any municipality which must be reduced to writing and be  
7 read at more than one meeting thereof and published.

8 When the term "resolution" is used it means an act or regulation of the gov-  
9 erning body which must be reduced to writing, but which may be finally passed at the  
10 meeting at which it is introduced.

11 The procedure for the passage of ordinances shall be as follows:

12 (a) Every ordinance after being introduced and having passed a first reading  
13 shall be published at least once in a newspaper published and circulating in the mu-  
14 nicipality, if there be one, and if not, in a newspaper printed in the county and cir-  
15 culating in the municipality, together with a notice of the introduction thereof and  
16 the time and place when and where such ordinance will be further considered for  
17 final passage.

18 (b) In case of ordinances providing for local improvements authorized by  
19 Article XX, or providing that all or a part of the cost of any work, acquisition  
20 of property or improvement shall be assessed upon abutting land or lands specially

21 benefited thereby (excepting sidewalks) ; or providing for the establishing, or change  
22 of grade, or the vacation, of any street, avenue, highway, lane or alley or portion  
23 thereof, or the vacation as hereinafter defined, of any square, place or park, or any  
24 portion thereof, dedicated to the public, but which has not been accepted or opened  
25 by the municipality; such publication shall be twice, once of which shall be at least  
26 ten days prior to the time fixed for further consideration for final passage, and at  
27 least one week prior to the time fixed for further consideration for final passage of  
28 said ordinance, a copy of such ordinance, together with a notice of the introduction  
29 thereof and the time and place when and where such ordinance will be further con-  
30 sidered for final passage, shall be mailed to every person whose lands may be affected  
31 by such ordinance or any assessment which may be made in pursuance thereof so far  
32 as the same may be ascertained, directed to his last known post-office address. The  
33 owner of any lands may file with the clerk of the municipality, or other official  
34 designated by the governing body or ordinance, a list of lands owned by him with a  
35 post-office address to which all notices shall be directed. Failure to mail the notice  
36 herein provided for shall not invalidate any ordinance, proceeding or assessment.

37 (c) All other ordinances shall be published at least two days prior to the time  
38 fixed for further consideration for final passage, but such final passage must be at  
39 least one week after the first reading.

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

44 (e) At or after such hearing, the governing body may proceed to give such ordi-  
45 nance a second reading or amend the same, and thereupon pass or reject such ordi-  
46 nance with or without amendment; *provided, however,* that in case any amendment  
47 should be adopted, substantially altering the substance of said ordinance, such ordi-  
48 nance as so amended shall not be finally adopted until at least one week thereafter  
49 and the ordinance as amended shall be read at a meeting of the gov-  
49½ erning body, and shall be published, together with a notice of the intro-  
50 duction, and the time and place when and where such amended ordinance will be fur-

51 ther considered for final passage, at least two days prior to the time so fixed. On  
52 such date, or at any other meeting to which the further consideration of such  
53 amended ordinance may be adjourned, the governing body may proceed to pass such  
54 ordinance, as amended, or again amend the same in the same manner.

55 (f) Upon the passage or adoption of any ordinance, said ordinance, or the  
56 title thereof, together with a notice of the date of passage or approval, or both, shall  
57 be published as provided in paragraph (a) of this section.

58 (g) No other notice or procedure with respect to the introduction or passage of  
59 any ordinance shall be required; *provided*, nothing herein contained shall repeal or  
60 modify the provisions of section ten of Article XX, or section twenty-four of Article  
61 XXXVII of the act to which this is an amendment.

1 2. This act shall take effect immediately, but shall not apply to any ordinance  
2 introduced before the passage hereof.