

40:66-1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40:66-1

(Garbage
collection--permit
municipalities to
limit to curbside)

LAWS OF: 1991

CHAPTER: 213

Bill No: S3360

Sponsor(s): Dorsey

Date Introduced: March 14, 1991

Committee: Assembly: Municipal Government

Senate: County & Municipal

Amended during passage: Yes Amendments during
denoted by asterisks.

Date of Passage: Assembly: June 27, 1991

Senate: June 13, 1991

Date of Approval: July 23, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

SENATE, No. 3360

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1991

By Senator DORSEY

1 AN ACT concerning municipal garbage collection and amending
2 R.S.40:66-1.

3

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

6 1. R.S.40:66-1 is amended to read as follows:

7 40:66-1. a. The governing body may provide for the cleaning
8 of the streets of the municipality, and for the collection or
9 disposal of solid waste, and may establish and operate a system
10 therefor; purchase and operate the necessary equipment for the
11 cleaning of streets, and for the collection or disposal of solid
12 waste; make, amend, repeal and enforce all such ordinances,
13 resolutions, rules and regulations as may be deemed necessary
14 and proper for the introduction, operation and management of
15 such system, and for the maintenance and operation of a solid
16 waste facility, subject to the provisions of the "Solid Waste
17 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the
18 "Solid Waste Utility Control Act of 1970," P.L.1970, c.40
19 (C.48:13A-1 et seq.), for the disposal of solid waste, and for the
20 government of employees connected therewith.

21 b. A municipal governing body that establishes a system for
22 the collection or disposal of solid waste pursuant to subsection a.
23 of this section, in its discretion, may limit service furnished by it
24 to curbside collection along public streets or roads¹ that have
25 been dedicated to and accepted by the municipality¹. The
26 municipal governing body may also refuse to enter upon private
27 property to remove solid waste from dumpsters or other
28 containers. The municipal governing body, in its¹ sole¹
29 discretion, may choose to reimburse those property owners who
30 do not receive the municipal service, but such reimbursement
31 shall not exceed the cost that would be incurred by the
32 municipality in providing the collection or disposal service
33 directly.

34 (cf: P.L.1989, c.244, s.1)

35 2. This act shall take effect immediately.

36

37

LOCAL GOVERNMENT

38

39 Allows municipality to limit garbage collection to curbside pickup.

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:

¹ Senate floor amendments adopted May 20, 1991.

SENATE, No. 3360

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16 waste facility, subject to the provisions of the "Solid Waste
17 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the
18 "Solid Waste Utility Control Act of 1970," P.L.1970, c.40
19 (C.48:13A-1 et seq.), for the disposal of solid waste, and for the
20 government of employees connected therewith.

21 b. A municipal governing body that establishes a system for
22 the collection or disposal of solid waste pursuant to subsection a.
23 of this section, in its discretion, may limit service furnished by it
24 to curbside collection along public streets or roads. The
25 municipal governing body may also refuse to enter upon private
26 property to remove solid waste from dumpsters or other
27 containers. The municipal governing body, in its discretion, may
28 choose to reimburse those property owners who do not receive
29 the municipal service, but such reimbursement shall not exceed
30 the cost that would be incurred by the municipality in providing
31 the collection or disposal service directly.

32 (cf: P.L.1989, c.244, s.1)

33 2. This act shall take effect immediately.

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35

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STATEMENT

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38 This bill codifies the holding of Pleasure Bay Apts. v. City of
39 Long Branch, 66 N.J. 79 (1974) that a municipality may limit the
40 garbage service furnished by it to curbside collection. The court

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1 stated that such a limitation did not amount to invidious
2 discrimination because of real differences in the problems
3 inherent in collection of garbage from locations within a
4 landowner's premises, as contrasted with collections from the
5 curbside. The court noted that if a municipality were to consent
6 to provide garbage pickups from sites within an apartment house
7 complex at which garbage was stored in dumpsters, it would find
8 it difficult, if not legally impossible, to refuse to provide on-site
9 collection service to other property owners who are currently
10 required to carry garbage to curbside to be collected. Other
11 problems stemming from entries into the private property to be
12 serviced, such as the furnishing of liability insurance coverage
13 and the means used in emptying dumpsters, are not present in the
14 case of curbside collections. The bill also provides a municipal
15 governing body with discretion as to whether it will reimburse a
16 property owner who does not receive the furnished service for the
17 cost of collection or disposal of solid waste.

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LOCAL GOVERNMENT

21

22 Allows municipality to limit garbage collection to curbside pickup.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 3360

STATE OF NEW JERSEY

DATED: JUNE 24, 1991

The Assembly Municipal Government Committee favorably reports Senate Bill No. 3360 [1R].

Senate Bill 3360 (1R) authorizes any municipal governing body that establishes a system for the collection or disposal of solid waste to limit service to curbside collection along public streets or roads.

The bill also allows the municipal governing body to refuse to enter upon private property to remove solid waste from dumpsters or other containers.

Finally, Senate Bill 3360 [1R] authorizes municipalities to reimburse those property owners who do not receive the municipal service; however, any reimbursement shall not exceed the cost that would be incurred by the municipality in providing the collection or disposal.

This bill codifies the holding of Pleasure Bay Apts. v. City of Long Branch, 66 N.J. 79 (1974) that a municipality may limit the garbage service furnished by it to curbside collection. The court stated that such a limitation did not amount to invidious discrimination because of real differences in the problems inherent in collection of garbage from locations within a landowner's premises, as contrasted with collections from the curbside. The court noted that if a municipality were to consent to provide garbage pickups from sites within an apartment house complex at which garbage was stored in dumpsters, it would find it difficult, if not legally impossible, to refuse to provide on-site collection service to other property owners who are currently required to carry garbage to curbside to be collected. Other problems stemming from entries into the private property to be serviced, such as the furnishing of liability insurance coverage and the means used in emptying dumpsters, are not present in the case of curbside collections.

This bill is identical to Assembly, No. 4886.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3360

STATE OF NEW JERSEY

DATED: MAY 13, 1991

The Senate County and Municipal Government Committee reports favorably Senate Bill 3360.

Senate Bill 3360 authorizes any municipal governing body that establishes a system for the collection or disposal of solid waste to limit service to curbside collection along public streets or roads.

The bill also allows the municipal governing body to refuse to enter upon private property to remove solid waste from dumpsters or other containers.

Finally, Senate Bill 3360 authorizes municipalities to reimburse those property owners who do not receive the municipal service; however, any reimbursement shall not exceed the cost that would be incurred by the municipality in providing the collection or disposal.

This bill codifies the holding of Pleasure Bay Apts. v. City of Long Branch, 66 N.J. 79 (1974) that a municipality may limit the garbage service furnished by it to curbside collection. The court stated that such a limitation did not amount to invidious discrimination because of real differences in the problems inherent in collection of garbage from locations within a landowner's premises, as contrasted with collections from the curbside. The court noted that if a municipality were to consent to provide garbage pickups from sites within an apartment house complex at which garbage was stored in dumpsters, it would find it difficult, if not legally impossible, to refuse to provide on-site collection service to other property owners who are currently required to carry garbage to curbside to be collected. Other problems stemming from entries into the private property to be serviced, such as the furnishing of liability insurance coverage and the means used in emptying dumpsters, are not present in the case of curbside collections.