

## LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 40:49-5 (Municipal ordinances-- violations)  
**LAWS OF:** 1987 **CHAPTER:** 411  
**BILL NO:** S3114  
**Sponsor(s):** Rice  
**Date Introduced:** March 11, 1987  
**Committee:** **Assembly:** Judiciary  
**Senate:** County and Municipal Government  
**Amended during passage:** No  
**Date of Passage:** **Assembly:** January 11, 1988  
**Senate:** June 29, 1987  
**Date of Approval:** January 14, 1987  
**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

SENATE, No. 3114  
**STATE OF NEW JERSEY**

INTRODUCED MARCH 11, 1987

By Senator RICE

Referred to Committee on County and Municipal Government

AN ACT concerning penalties for the violation of municipal ordinances and amending R. S. 40:49-5 and P. L. 1950, c. 210.

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

1 1. R. S. 40:49-5 is amended to read as follows:

2 40:49-5. The governing body may prescribe penalties for the  
3 violation of ordinances it may have authority to pass, [either] by  
4 one or more of the following: imprisonment in the county jail or in  
5 any place provided by the municipality for the detention of pris-  
6 oners, for any term not exceeding 90 days[.]; or by a fine not  
7 exceeding \$1,000.00[, or both]; or by a period of community service  
8 not exceeding 90 days.

9 The governing body may prescribe that for the violation of any  
10 particular ordinance at least a minimum penalty shall be imposed  
11 which shall consist of a fine which may be fixed at an amount not  
12 exceeding \$100.00. The court before which any person is convicted  
13 of violating any ordinance of a municipality shall have power to  
14 impose any fine [or], term of imprisonment, or period of com-  
15 munity service not less than the minimum and not exceeding the  
16 maximum fixed in such ordinance. Any person convicted of the  
17 violation of any ordinance may, in the discretion of the court by  
18 which he was convicted, and in default of the payment of any fine  
19 imposed therefor, be imprisoned in the county jail or place of  
20 detention provided by the municipality, for any term not exceeding  
21 90 days, or be required to perform community service for a period  
22 not exceeding 90 days.

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 printed in italics /has/ is new matter.

1 2. Section 2-4 of P. L. 1970, c. 210 (C. 40:69A-29) is amended  
2 to read as follows:

3 2-4. Each municipality governed by an optional form of govern-  
4 ment pursuant to this act shall, subject to the provisions of this act  
5 or other general laws, have full power to:

6 (a) Organize and regulate its internal affairs, and to establish,  
7 alter, and abolish offices, positions and employments and to define  
8 the functions, powers and duties thereof and fix their terms, tenure  
9 and compensation;

10 (b) Adopt and enforce local police ordinances of all kinds and  
11 impose *one or more of the following* penalties **[of]**: fines not ex-  
12 ceeding \$1,000.00, or imprisonment for any term not exceeding 90  
13 days **[or both]**, *or a period of community service not exceeding 90*  
14 *days* for the violation thereof; prescribe that for the violation of  
15 particular ordinances at least a minimum penalty shall be imposed  
16 which shall consist of a fine which may be fixed at an amount not  
17 exceeding \$100.00; to construct, acquire, operate or maintain any  
18 and all public improvements, projects or enterprises for any public  
19 purpose, subject to referendum requirements otherwise imposed by  
20 law, and to exercise all powers of local government in such manner  
21 as its governing body may determine;

22 (c) Sue and be sued, to have a corporate seal, to contract and be  
23 contracted with, to buy, sell, lease, hold and dispose of real and per-  
24 sonal property, to appropriate and expend moneys, and to adopt,  
25 amend and repeal such ordinances and resolutions as may be re-  
26 quired for the good government thereof;

27 (d) Exercise powers of condemnation, borrowing and taxation  
28 in the manner provided by general law.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill permits a municipality to prescribe a period of community service not exceeding 90 days, in addition to imprisonment and fines, for the violation of a municipal ordinance. Under current law, for the violation of a municipal ordinance both non-Faulkner Act and Faulkner act municipalities may prescribe a term of imprisonment not exceeding 90 days, a fine not exceeding \$1,000.00, or both.

This bill also provides the municipal court in non-Faulkner Act municipalities with an additional alternative when a person defaults in the payment of a fine imposed for violating a municipal ordinance. Current law gives the court the discretion to impose

on such a person a term of imprisonment not exceeding 90 days. This bill gives the court the additional alternative of requiring the person to perform community service for a period not exceeding 90 days.

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MUNICIPAL GOVERNMENT

Permits municipalities to impose community service for violation of ordinance.

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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 3114**

**STATE OF NEW JERSEY**

DATED: JULY 23, 1987

The Assembly Judiciary Committee reports favorably Senate Bill No. 3114.

This bill permits municipalities to impose terms of community service for violation of municipal ordinances, in addition to the existing fines and terms of imprisonment authorized. It authorizes any municipality to prescribe a term of community service not exceeding 90 days. The allowable existing penalties for violation of a municipal ordinance include a fine not to exceed \$1,000.00 and a term of imprisonment not exceeding 90 days.

It also permits a court to use community service as a sentencing alternative when there is a conviction for these violations.

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SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 3114**

**STATE OF NEW JERSEY**

DATED: JUNE 22, 1987

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 3114.

Senate Bill No. 3114 permits any municipality to prescribe a period of community service not exceeding 90 days, in addition to imprisonment and fines, for the violation of a municipal ordinance. Under current law, for the violation of a municipal ordinance both non-Faulkner Act and Faulkner Act municipalities may prescribe a term of imprisonment not exceeding 90 days, a fine not exceeding \$1,000.00, or both.