

Bill and Sponsors Statement identical to S1533

COMMITTEE STATEMENT:

ASSEMBLY: Yes

Identical to Assembly Statement for S1533

SENATE: No

FLOOR AMENDMENT STATEMENTS:

No

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

Yes

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Even with new law, methadone clinic may be here to stay," 1-31-2001 Atlantic City Press, p.C1
(Cape May edition)

"Methadone-clinic bill passes in Assembly," 1-30-2001 Atlantic City Press, p.C6

SENATE, No. 1533

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2000

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblymen Gibson, Asselta and LeFevre

SYNOPSIS

Designates methadone clinics as business use for zoning purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/31/2000)

S1533 CAFIERO

2

1 AN ACT clarifying the zoning classification of certain drug treatment
2 facilities and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. Absent any provision to the contrary, for the purposes of any
8 zoning ordinance adopted by any municipality in the State pursuant to
9 section 49 of P.L.1975, c.291 (C.40:55D-62), a facility offering
10 outpatient methadone maintenance services, hereinafter referred to as
11 a "methadone clinic," shall be deemed to be a 'business' or commercial
12 operation or functional equivalent thereof. A methadone clinic shall
13 not be construed, for zoning purposes, as ancillary or adjunct to a
14 doctor's professional office. The siting of a methadone clinic within
15 a municipality shall be limited to zones designated for business or
16 commercial use.
17

18 2. This act shall take effect immediately.
19

20 STATEMENT
21

22 This bill would clarify that, absent any provision to the contrary, for
23 the purposes of any zoning ordinance adopted by any municipality in
24 the State pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), a
25 methadone clinic shall be deemed to be a 'business' or commercial
26 operation or functional equivalent thereof. The siting of such facilities
27 would thereby be limited to commercial or business zones. The bill
28 clarifies that a methadone clinic shall not be construed, for zoning
29 purposes, as ancillary or adjunct to a doctor's professional office.

30 In recent years, methadone clinics around the State have attracted
31 drug users who prey on those seeking drug treatment. Since zoning
32 ordinances often treat methadone clinics as medical offices, which are
33 usually residential, these clinics tend to be sited in residential
34 neighborhoods. The drug subculture which is sometimes attracted by
35 these facilities is not only unsettling to those seeking treatment, but to
36 neighbors who live proximate to the methadone clinics.

37 The intent of this bill is not to prohibit the siting of methadone
38 clinics in municipalities, but to encourage their siting in business
39 districts which tend to be busier and better policed.

40 In addition, the bill is not intended to preempt municipal zoning
41 authority or to impose a particular zoning designation on
42 municipalities that choose to treat methadone clinics in some other
43 way for zoning purposes; rather, the bill's purpose is to clarify a
44 municipality's right to direct the location of methadone clinics to areas
45 which are zoned exclusively for business or commercial use.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1533

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 2000

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1533.

This bill would clarify that, absent any provision to the contrary, for the purposes of any zoning ordinance adopted by municipality pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), a methadone clinic shall be deemed to be a 'business' or commercial operation or functional equivalent thereof. The siting of such facilities would thereby be limited to commercial or business zones. The bill clarifies that a methadone clinic shall not be construed, for zoning purposes, as ancillary or adjunct to a doctor's professional office.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1533

STATE OF NEW JERSEY

DATED: OCTOBER 12, 2000

The Assembly Local Government Committee reports favorably Senate Bill No. 1533.

This bill states that for the purposes of any zoning ordinance adopted by any municipality in the State pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), absent any provision in the zoning ordinance to the contrary, a methadone clinic shall be deemed to be a "business" or commercial operation, or the functional equivalent thereof. The effect of this bill would be to limit the siting of methadone clinics to commercial or business zones, unless the municipal zoning ordinance allows for a different siting. The bill clarifies that a methadone clinic shall not be construed, for zoning purposes, as ancillary or adjunct to a doctor's professional office.

In recent years, methadone clinics around the State have attracted drug users who prey on those seeking drug treatment. Since zoning ordinances often treat methadone clinics as a medical office, which is a permitted use in many residential districts, these clinics have tended to be sited in residential neighborhoods. The drug subculture which is sometimes attracted by these facilities is not only unsettling to those seeking treatment, but to neighbors who live proximate to the methadone clinics.

The intent of this bill is not to prohibit the siting of methadone clinics in municipalities, but to encourage their siting in business districts which tend to be busier and better policed.

In addition, the bill is not intended to preempt municipal zoning authority or to impose a particular zoning designation on municipalities that choose to treat methadone clinics in some other way for zoning purposes; rather, the bill's purpose is to clarify a municipality's right to direct the location of methadone clinics to areas which are zoned exclusively for business or commercial use.

[First Reprint]

SENATE, No. 1533

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2000

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

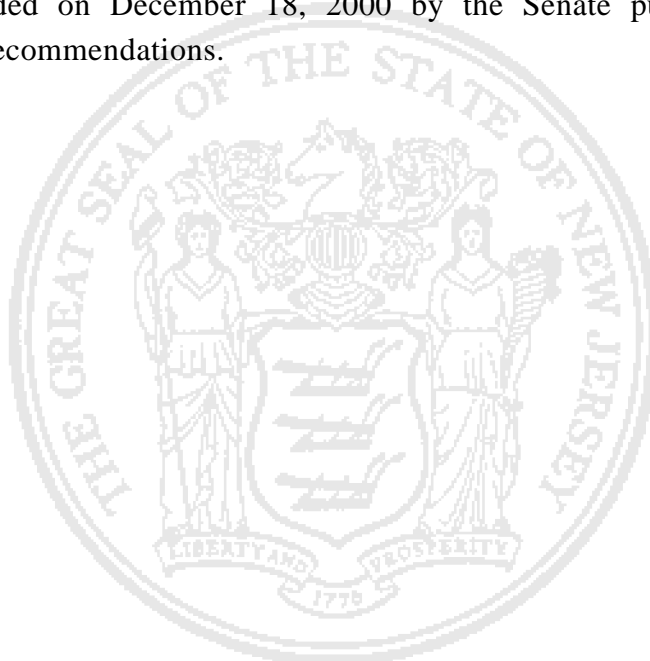
Assemblymen Gibson, Asselta and LeFevre

SYNOPSIS

Designates methadone clinics as business use for zoning purposes.

CURRENT VERSION OF TEXT

As amended on December 18, 2000 by the Senate pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 10/31/2000)

1 AN ACT clarifying the zoning classification of certain drug treatment
2 facilities and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. ¹[Absent any provision to the contrary, for] For¹ the purposes
8 of any zoning ordinance adopted by any municipality in the State
9 pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), ¹a
10 municipality may provide within the ordinance that¹ a facility offering
11 outpatient methadone maintenance services, hereinafter referred to as
12 a "methadone clinic," shall be deemed to be a 'business' or commercial
13 operation or functional equivalent thereof ¹[. A methadone clinic]
14 and¹ shall not be construed, for zoning purposes, as ancillary or
15 adjunct to a doctor's professional office. ¹[The] When a municipality
16 has adopted such an ordinance, the¹ siting of a methadone clinic within
17 a municipality shall be limited to zones designated for business or
18 commercial use.

19
20 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 amendments adopted in accordance with Governor's recommendations
December 18, 2000.**

ASSEMBLY, No. 2754

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED SEPTEMBER 25, 2000

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblyman LeFevre

SYNOPSIS

Designates methadone clinics as business use for zoning purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/13/2000)

1 AN ACT clarifying the zoning classification of certain drug treatment
2 facilities and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. Absent any provision to the contrary, for the purposes of any
8 zoning ordinance adopted by any municipality in the State pursuant to
9 section 49 of P.L.1975, c.291 (C.40:55D-62), a facility offering
10 outpatient methadone maintenance services, hereinafter referred to as
11 a "methadone clinic," shall be deemed to be a 'business' or commercial
12 operation or functional equivalent thereof. A methadone clinic shall
13 not be construed, for zoning purposes, as ancillary or adjunct to a
14 doctor's professional office. The siting of a methadone clinic within
15 a municipality shall be limited to zones designated for business or
16 commercial use.
17

18 2. This act shall take effect immediately.
19
20

21 STATEMENT
22

23 This bill would clarify that, absent any provision to the contrary, for
24 the purposes of any zoning ordinance adopted by any municipality in
25 the State pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), a
26 methadone clinic shall be deemed to be a "business" or commercial
27 operation or functional equivalent thereof. The siting of such facilities
28 would thereby be limited to commercial or business zones. The bill
29 clarifies that a methadone clinic shall not be construed, for zoning
30 purposes, as ancillary or adjunct to a doctor's professional office.

31 In recent years, methadone clinics around the State have attracted
32 drug users who prey on those seeking drug treatment. Since zoning
33 ordinances often treat methadone clinics as medical offices, which are
34 usually residential, these clinics tend to be sited in residential
35 neighborhoods. The drug subculture which is sometimes attracted by
36 these facilities is not only unsettling to those seeking treatment, but to
37 neighbors who live proximate to the methadone clinics.

38 The intent of this bill is not to prohibit the siting of methadone
39 clinics in municipalities, but to encourage their siting in business
40 districts which tend to be busier and better policed.

41 In addition, the bill is not intended to preempt municipal zoning
42 authority or to impose a particular zoning designation on
43 municipalities that choose to treat methadone clinics in some other
44 way for zoning purposes; rather, the bill's purpose is to clarify a
45 municipality's right to direct the location of methadone clinics to areas
46 which are zoned exclusively for business or commercial use.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2754

STATE OF NEW JERSEY

DATED: OCTOBER 12, 2000

The Assembly Local Government Committee reports favorably Assembly Bill No. 2754.

This bill states that for the purposes of any zoning ordinance adopted by any municipality in the State pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), absent any provision in the zoning ordinance to the contrary, a methadone clinic shall be deemed to be a "business" or commercial operation, or the functional equivalent thereof. The effect of this bill would be to limit the siting of methadone clinics to commercial or business zones, unless the municipal zoning ordinance allows for a different siting. The bill clarifies that a methadone clinic shall not be construed, for zoning purposes, as ancillary or adjunct to a doctor's professional office.

In recent years, methadone clinics around the State have attracted drug users who prey on those seeking drug treatment. Since zoning ordinances often treat methadone clinics as a medical office, which is a permitted use in many residential districts, these clinics have tended to be sited in residential neighborhoods. The drug subculture which is sometimes attracted by these facilities is not only unsettling to those seeking treatment, but to neighbors who live proximate to the methadone clinics.

The intent of this bill is not to prohibit the siting of methadone clinics in municipalities, but to encourage their siting in business districts which tend to be busier and better policed.

In addition, the bill is not intended to preempt municipal zoning authority or to impose a particular zoning designation on municipalities that choose to treat methadone clinics in some other way for zoning purposes; rather, the bill's purpose is to clarify a municipality's right to direct the location of methadone clinics to areas which are zoned exclusively for business or commercial use.

SENATE BILL NO. 1533

To the New Jersey Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1533 with my recommendations for reconsideration.

A. Summary of Bill

This bill designates methadone clinics as business or commercial operations for zoning purposes, absent any municipal ordinance to the contrary. The bill also prohibits methadone clinics from being construed, for zoning purposes, as ancillary or adjunct to a doctor's professional office. As a result, the siting of such drug treatment facilities will be limited to commercial or business zones, unless a municipality takes an affirmative step to permit such clinics to be sited in residential zones.

B. Recommended Action

I commend the sponsors of this bill for recognizing the need to address the impact of methadone clinics on residential neighborhoods. I recognize that municipalities have an important interest in directing the location of methadone clinics, and this legislation is an important step towards that goal.

Under current law (P.L.1975, c.291 C.40:55D-1 et seq.), municipalities have the flexibility to zone drug treatment facilities as they deem appropriate and are not required to zone such facilities in a particular manner. Such flexibility assures municipalities and community members local control over their neighborhoods. I have been advised, however, that some confusion exists regarding municipalities' authority to zone methadone clinics under current law. Therefore, I recommend that this bill be amended to clarify that a municipality has the authority to affirmatively pass an ordinance defining methadone clinics as business or commercial operations for zoning purposes.

Therefore, I herewith return Senate Bill No. 1533 and recommend that it be amended as follows:

Page 2, Section 1, Line 7:

Delete "Absent any provision to the contrary, for" and insert "For"

Page 2, Section 1, Line 9:

After "(C.40:55D-62)," insert "a municipality may provide within the ordinance that"

Page 2, Section 1, Line 12:

Delete ". A methadone clinic" and insert "and"

Page 2, Section 1, Line 14:

Delete “The” and insert “When a municipality has adopted such an ordinance, the”

[seal]

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

Attest:

/s/ Robert E. Fabricant

Chief Counsel to the Governor

P.L. 2001, CHAPTER 19, *approved January 30, 2001*
Senate, No. 1533 (*First Reprint*)

1 **AN ACT** clarifying the zoning classification of certain drug treatment
2 facilities and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

3

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

6

7 1. ¹[Absent any provision to the contrary, for] ~~For~~¹ the purposes
8 of any zoning ordinance adopted by any municipality in the State
9 pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), ¹a
10 municipality may provide within the ordinance that¹ a facility offering
11 outpatient methadone maintenance services, hereinafter referred to as
12 a "methadone clinic," shall be deemed to be a 'business' or commercial
13 operation or functional equivalent thereof ¹[. A methadone clinic]
14 and¹ shall not be construed, for zoning purposes, as ancillary or
15 adjunct to a doctor's professional office. ¹[The] When a municipality
16 has adopted such an ordinance, the¹ siting of a methadone clinic within
17 a municipality shall be limited to zones designated for business or
18 commercial use.

19

20 2. This act shall take effect immediately.

21

22

23

24

25 _____
Designates methadone clinics as business use for zoning purposes.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 amendments adopted in accordance with Governor's recommendations
December 18, 2000.**

CHAPTER 19

AN ACT clarifying the zoning classification of certain drug treatment facilities and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

C.40:55D-66.10 Methadone clinic deemed business for zoning purposes.

1. For the purposes of any zoning ordinance adopted by any municipality in the State pursuant to section 49 of P.L.1975, c.291 (C.40:55D-62), a municipality may provide within the ordinance that a facility offering outpatient methadone maintenance services, hereinafter referred to as a "methadone clinic," shall be deemed to be a 'business' or commercial operation or functional equivalent thereof and shall not be construed, for zoning purposes, as ancillary or adjunct to a doctor's professional office. When a municipality has adopted such an ordinance, the siting of a methadone clinic within a municipality shall be limited to zones designated for business or commercial use.

2. This act shall take effect immediately.

Approved January 30, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Laura Otterbourg
609-777-2600

RELEASE: January 30 , 2001

Governor Whitman today signed the following legislation:

S-1533, sponsored by Senator Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Gibson (R-Cape May/Atlantic/Cumberland) and Asselta (R-Cape May/Atlantic/Cumberland), designates methadone clinics as business use for zoning purposes. The bill includes recommendations made by the Governor in her conditional veto on December 4, 2000.