

Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

SENATE, No. 2754

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 26, 2001

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

SYNOPSIS

Requires municipal approval for construction and operation of crematorium.

CURRENT VERSION OF TEXT

As introduced.



S2754 BENNETT

2

1 AN ACT concerning municipal approval for the operation and
2 construction of a crematorium and supplementing Title 8A of the
3 New Jersey Statutes.

4

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

7

8 1. In addition to any other statutory or regulatory requirements,
9 the governing body of a cemetery company shall not build or operate
10 a crematorium without the prior approval of the municipal governing
11 body of the municipality in which the crematorium is to be located.
12 The governing body shall not issue its approval unless it determines,
13 following a public hearing, that the approval can be granted without
14 substantial detriment to the public good. The municipal governing
15 body may be charged a reasonable fee for providing notice of the
16 hearing.

17

18 2. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill would require approval by a municipal governing body for
24 the construction and operation of a crematorium within its municipal
25 boundaries. The governing body could grant its approval only upon
26 a determination, after a hearing, that the construction and operation of
27 the crematorium would not be a substantial detriment to the public
28 good. The applicant would be responsible for the reasonable costs of
29 providing notice of a hearing on its application.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2754

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2754.

As amended by the committee, this bill would prohibit the construction and operation of a crematorium without the prior approval of the governing body of the municipality in which the crematorium would be located. The governing body could grant its approval only upon a determination, after a public hearing, that the construction and operation of the crematorium would not be a substantial detriment to the public good. The governing body of the cemetery would be responsible for the costs of providing notice of a hearing.

The committee amended the bill to ensure that the bill would apply to all cemeteries in New Jersey, regardless of their type of ownership or method of organization. The amendments also clarify that, under the bill, a municipal governing body would be allowed to assess the governing body of a cemetery a fee for providing notice of the public hearing required under the bills provisions.

[First Reprint]

SENATE, No. 2754

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 26, 2001

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Co-Sponsored by:

Assemblymen Arnone, Corodemus and Assemblywoman Farragher

SYNOPSIS

Requires municipal approval for construction and operation of crematorium.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on December 13, 2001, with amendments.



(Sponsorship Updated As Of: 1/8/2002)

S2754 [1R] BENNETT

2

1 AN ACT concerning municipal approval for the operation and
2 construction of a crematorium and supplementing Title 8A of the
3 New Jersey Statutes.

4

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

7

8 1. In addition to any other statutory or regulatory requirements,
9 the governing body of a cemetery ¹[company]¹ shall not build or
10 operate a crematorium without the prior approval of the municipal
11 governing body of the municipality in which the crematorium is
12 ¹proposed¹ to be located. The ¹municipal¹ governing body shall not
13 issue its approval unless it determines, following a public hearing, that
14 the approval can be granted without substantial detriment to the public
15 good. The municipal governing body may ¹[be charged] charge the
16 governing body of the cemetery¹ a reasonable fee for providing notice
17 of the hearing.

18

19 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 SCU committee amendments adopted December 13, 2001.

ASSEMBLY, No. 3950

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 19, 2001

Sponsored by:

Assemblyman MICHAEL J. ARNONE

District 12 (Monmouth)

SYNOPSIS

Requires municipal approval for construction and operation of crematorium.

CURRENT VERSION OF TEXT

As introduced.



A3950 ARNONE

2

1 AN ACT concerning municipal approval for the operation and
2 construction of a crematorium and supplementing Title 8A of the
3 New Jersey Statutes.

4

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

7

8 1. In addition to any other statutory or regulatory requirements,
9 the governing body of a cemetery company shall not build or operate
10 a crematorium without the prior approval of the municipal governing
11 body of the municipality in which the crematorium is to be located.
12 The governing body shall not issue its approval unless it determines,
13 following a public hearing, that the approval can be granted without
14 substantial detriment to the public good. The municipal governing
15 body may be charged a reasonable fee for providing notice of the
16 hearing.

17

18 2. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill would require approval by a municipal governing body for
24 the construction and operation of a crematorium within its municipal
25 boundaries. The governing body could grant its approval only upon
26 a determination, after a hearing, that the construction and operation of
27 the crematorium would not be a substantial detriment to the public
28 good. The applicant would be responsible for the reasonable costs of
29 providing notice of a hearing on its application.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3950

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3950.

This bill, as amended by the committee, would require approval by a municipal governing body for the construction and operation of a crematorium within its municipal boundaries. The municipal governing body could grant its approval only upon a determination, after a hearing, that the construction and operation of the crematorium would not be a substantial detriment to the public good of the community. The cemetery proposing to build or operate the crematorium would be responsible for the reasonable costs of providing notice of a hearing on its application for approval. The committee amended the bill to correctly identify the party responsible for paying the reasonable costs of notice for the hearing and to remove the word "company" from the phrase, "cemetery company" so as not to limit the requirements of the bill to for-profit cemetery companies. The committee believes that the amended wording would make the bill applicable to every cemetery operating within the State, whether for-profit, religious or not-for-profit.

As amended, this bill is identical to S2754 1R of 2000-01.

[First Reprint]

ASSEMBLY, No. 3950

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 19, 2001

Sponsored by:

Assemblyman MICHAEL J. ARNONE

District 12 (Monmouth)

Co-Sponsored by:

Assemblyman Corodemus and Assemblywoman Farragher

SYNOPSIS

Requires municipal approval for construction and operation of crematorium.

CURRENT VERSION OF TEXT

As reported by the Assembly Local Government Committee on December 13, 2001, with amendments.



(Sponsorship Updated As Of: 1/4/2002)

A3950 [1R] ARNONE

2

1 AN ACT concerning municipal approval for the operation and
2 construction of a crematorium and supplementing Title 8A of the
3 New Jersey Statutes.

4

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

7

8 1. In addition to any other statutory or regulatory requirements,
9 the governing body of a cemetery ¹[company]¹ shall not build or
10 operate a crematorium without the prior approval of the municipal
11 governing body of the municipality in which the crematorium is
12 ¹proposed¹ to be located. The ¹municipal¹ governing body shall not
13 issue its approval unless it determines, following a public hearing, that
14 the approval can be granted without substantial detriment to the public
15 good. The municipal governing body may ¹[be charged] charge the
16 governing body of the cemetery¹ a reasonable fee for providing notice
17 of the hearing.

18

19 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 Assembly ALG committee amendments adopted December 13, 2001.

P.L. 2001, CHAPTER 439, *approved January 10, 2002*
Senate, No. 2754 (*First Reprint*)

1 **AN ACT** concerning municipal approval for the operation and
2 construction of a crematorium and supplementing Title 8A of the
3 New Jersey Statutes.

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

7
8 1. In addition to any other statutory or regulatory requirements,
9 the governing body of a cemetery ¹**[company]**¹ shall not build or
10 operate a crematorium without the prior approval of the municipal
11 governing body of the municipality in which the crematorium is
12 ¹proposed¹ to be located. The ¹municipal¹ governing body shall not
13 issue its approval unless it determines, following a public hearing, that
14 the approval can be granted without substantial detriment to the public
15 good. The municipal governing body may ¹**[be charged]** charge the
16 governing body of the cemetery¹ a reasonable fee for providing notice
17 of the hearing.

18
19 2. This act shall take effect immediately.

20

21

22

23

24 Requires municipal approval for construction and operation of
25 crematorium.

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 SCU committee amendments adopted December 13, 2001.

CHAPTER 439

AN ACT concerning municipal approval for the operation and construction of a crematorium and supplementing Title 8A of the New Jersey Statutes.

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

C.8A:3-14.2 Municipal approval for operation and construction of crematorium.

1. In addition to any other statutory or regulatory requirements, the governing body of a cemetery shall not build or operate a crematorium without the prior approval of the municipal governing body of the municipality in which the crematorium is proposed to be located. The municipal governing body shall not issue its approval unless it determines, following a public hearing, that the approval can be granted without substantial detriment to the public good. The municipal governing body may charge the governing body of the cemetery a reasonable fee for providing notice of the hearing.

2. This act shall take effect immediately.

Approved January 10, 2002.