

40:37A-45

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:37A-45 (County improvement authorities law-- defines garbage)

LAWS 1981 CHAPTER 492

Bill No. S3060

Sponsor(s) Merlino

Date Introduced Jan. 26, 1981

Committee: Assembly County Government

Senate County & Municipal Government

Amended during passage  Yes  No

Date of Passage: Assembly Jan. 4, 1982

Senate Feb. 2, 1981

Date of approval Jan. 12, 1981

Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto Message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Headings  Yes  No

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6/22/91

SENATE, No. 3060

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1981

By Senator MERLINO

Referred to Committee on County and Municipal Government

AN ACT to amend the "county improvement authorities law,"  
approved January 18, 1961 (P. L. 1960, c. 183).

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

1 1. Section 2 of P. L. 1960, c. 183 (C. 40:37A-45) is amended to  
2 read as follows:

3 2. As used in this act, unless a different meaning clearly appears  
4 from the context:

5 (a) "Authority" shall mean a public body created pursuant to  
6 this act;

7 (b) "Bond resolution" shall have the meaning ascribed thereto in  
8 section 16 of this act;

9 (c) "Bonds" shall mean bonds, notes or other obligations issued  
10 pursuant to this act;

11 (d) "Construct" and "construction" shall connote and include  
12 acts of clearance, demolition, construction, development or rede-  
13 velopment, reconstruction, replacement, extension, improvement  
14 and betterment;

15 (e) "Cost" shall mean, in addition to the usual connotations  
16 thereof, the cost of planning, acquisition or construction of all or  
17 any part of any public facility or facilities of an authority and of  
18 all or any property, rights, easements, privileges, agreements and  
19 franchises deemed by the authority to be necessary or useful and  
20 convenient therefor or in connection therewith, including interest  
21 or discount on bonds, cost of issuance of bonds, architectural,  
22 engineering and inspection costs and legal expenses, cost of  
23 financial, professional and other estimates and advice, organization,  
24 administrative, operating and other expenses of the authority prior  
25 to and during such acquisition or construction, and all such other  
26 expenses as may be necessary or incident to the financing, acquisi-  
27 tion, construction and completion of such public facility or facilities

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

28 or part thereof and the placing of the same fully in operation or the  
29 disposition of the same, and also such provision or reserves for  
30 working capital, operating, maintenance or replacement expenses  
31 or for payment or security of principal of or interest on bonds  
32 during or after such acquisition or construction as the authority  
33 may determine, and also reimbursements to the authority or any  
34 governmental unit or person of any moneys theretofore expended  
35 for the purposes of the authority;

36 (f) The term "county" shall mean any county of any class of the  
37 State, and the term "the county" shall mean the county which  
38 created an authority pursuant to this act;

39 (g) "Development project" shall mean any lands, structures, or  
40 property or facilities acquired or constructed or to be acquired or  
41 constructed by an authority for the purposes of the authority  
42 described in clause (e) of section 11 of this act;

43 (h) "Facility charges" shall have the meaning ascribed to said  
44 term in section 14 of this act;

45 (i) "Facility revenues" shall have the meaning ascribed to said  
46 term in section 20(e) of this act;

47 (j) "Governing body" shall mean, in the case of a county, the  
48 board of chosen freeholders, or in the case of a county operating  
49 under article 3 or 5 of the "Optional County Charter Law" (P. L.  
50 1972, c. 154; C. 40:41A-1 et seq.) as defined thereunder, and, in the  
51 case of a municipality, the commission, council, board or body, by  
52 whatever name it may be known, having charge of the finances of  
53 the municipality;

54 (k) "Governmental unit" shall mean the United States of  
55 America or the State or any county or municipality or any sub-  
56 division, department, agency, or instrumentality heretofore or  
57 hereafter created, designated or established by or for the United  
58 States of America or the State or any county or municipality;

59 (l) "Local bond law" shall mean chapter 2 of Title 40A, Munici-  
60 palities and Counties, of the New Jersey Statutes (N. J. S.) as  
61 amended and supplemented;

62 (m) "Municipality" shall mean any city, borough, village, town,  
63 or township of the State but not a county or a school district;

64 (n) "Person" shall mean any person, partnership, association,  
65 corporation or entity other than a nation, State, county or munici-  
66 pality or any subdivision, department, agency or instrumentality  
67 thereof;

68 (o) "Project" shall have the meaning ascribed to said term in  
69 section 16 of this act;

70 (p) "Public facility" shall mean any lands, structures, franchises,  
71 equipment, or other property or facilities acquired or constructed  
72 or to be acquired or constructed by an authority for its purposes or,  
73 to the extent authorized by section 11 (C. 40:37A-54) for govern-  
74 mental and nongovernmental purposes, and either (i) operated or  
75 to be operated by the authority or by any governmental unit or  
76 person under a lease or other agreement by or with the authority or  
77 (ii) constituting a development project or redevelopment project;

78 (q) "Real property" shall mean lands within or without the  
79 State, above or below water, and improvements thereof or thereon,  
80 or any riparian or other rights or interests therein;

81 (r) "Garbage and solid wastes disposal system" shall mean the  
82 plants, structures and other real and personal property acquired,  
83 constructed or operated or to be acquired, constructed or operated  
84 by a county improvement authority, including incinerators, sanitary  
85 landfill facilities or other plants for the treatment and disposal of  
86 garbage, solid waste and refuse matter and all other real and per-  
87 sonal property and rights therein and appurtenances necessary or  
88 useful and convenient for the collection and treatment or disposal  
89 in a sanitary manner of garbage, solid waste and refuse matter  
90 (but not including sewage);

91 (s) "Garbage, solid waste or refuse matter" shall mean [any  
92 refuse matter, trash or garbage from residences, hotels, apartments  
93 or any other public or private building but shall not include water-  
94 carried wastes or the kinds of wastes usually collected, carried  
95 away and disposed of by a sewerage system] *garbage refuse and*  
96 *other discarded materials resulting from industrial, commercial and*  
97 *agricultural operations, and from domestic and community*  
98 *activities, and shall include all other waste materials including*  
99 *sludge, chemical waste, hazardous wastes and liquids, except for*  
100 *liquids which are treated in public sewage treatment plants and*  
101 *except for solid animal and vegetable wastes collected by swine*  
102 *producers licensed by the State Department of Agriculture to*  
103 *collect, prepare and feed such wastes to swine on their own farms;*

104 (t) "Blighted, deteriorated or deteriorating area" may include  
105 an area determined by the municipality to be blighted in accordance  
106 with the provisions of P. L. 1949, c. 187 (C. 40:55-21.1 et seq.) and,  
107 in addition, areas which are determined by the municipality, pur-  
108 suant to the same procedures as provided in said law, to be blighted,  
109 deteriorated or deteriorating because of structures or improve-  
110 ments which are dilapidated or characterized by disrepair, lack of  
111 ventilation or light or sanitary facilities, faulty arrangement, loca-  
112 tion, or design, or other unhealthful or unsafe conditions;

113 (u) "Redevelopment" may include planning, replanning, con-  
114 servation, rehabilitation, clearance, development and redevelop-  
115 ment; and the construction and rehabilitation and provision for  
116 construction and rehabilitation of residential, commercial, in-  
117 dustrial, public or other structures and the grant or dedication or  
118 rededication of spaces as may be appropriate or necessary in the  
119 interest of the general welfare for streets, parks, playgrounds, or  
120 other public purposes including recreational and other facilities  
121 incidental or appurtenant thereto, in accordance with a redevelop-  
122 ment plan approved by the governing body of a municipality;

123 (v) "Redevelopment plan" shall mean a plan as it exists from  
124 time to time for the redevelopment of all or any part of a redevelop-  
125 ment area, which plan shall be sufficiently complete to indicate such  
126 land acquisition, demolition and removal of structures, redevelop-  
127 ment, improvements, conservation or rehabilitation as may be pro-  
128 posed to be carried out in the area of the project, zoning and  
129 planning changes, if any, land uses, maximum densities, building  
130 requirements, the plan's relationship to definite local objectives  
131 respecting appropriate land uses, improved traffic, public trans-  
132 portation, public utilities, recreational and community facilities,  
133 and other public improvements and provision for relocation of any  
134 residents and occupants to be displaced in a manner which has been  
135 or is likely to be approved by the Department of Community  
136 Affairs pursuant to the "Relocation Assistance Law of 1967," P. L.  
137 1967, c. 79 (C. 52:31B-1 et seq.) and the "Relocation Assistance  
138 Act," P. L. 1971, c. 362 (C. 20:4-1 et seq.) and rules and regulations  
139 pursuant thereto;

140 (w) "Redevelopment project" shall mean any undertakings and  
141 activities for the elimination, and for the prevention of the develop-  
142 ment or spread, of blighted, deteriorated, or deteriorating areas  
143 and may involve any work or undertaking pursuant to a redevelop-  
144 ment plan; such undertaking may include: (1) acquisition of real  
145 property and demolition, removal or rehabilitation of buildings and  
146 improvements thereon; (2) carrying out plans for a program of  
147 voluntary repair and rehabilitation of buildings or other improve-  
148 ments; and, (3) installation, construction or reconstruction of  
149 streets, utilities, parks, playgrounds or other improvements  
150 necessary for carrying out the objectives of the redevelopment  
151 project;

152 (x) "Redeveloper" shall mean any person, firm, corporation or  
153 public agency that shall enter into or propose to enter into a con-  
154 tract with an authority for the redevelopment of an area or any  
155 part thereof under the provisions of this act; [and,]

156 (y) "Redevelopment area" shall mean an area of a municipality  
 157 which the governing body thereof finds is a blighted area whose  
 158 redevelopment is necessary to effectuate the public purposes de-  
 159 clared in this act. A redevelopment area may include lands, build-  
 160 ings, or improvements which of themselves are not detrimental to  
 161 the public health, safety or welfare, but whose inclusion is found  
 162 necessary, with or without change in their condition, for the effec-  
 163 tive redevelopment of the area of which they are a part; *and*

164 (z) "*Sludge*" shall mean *any solid, semisolid, or liquid waste*  
 165 *generated from a municipal, industrial or other sewage treatment*  
 166 *plant, water supply treatment plant, or air pollution control facility,*  
 167 *or any other such waste having similar characteristics and effects,*  
 168 *but shall not include effluent.*

1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to make the definition of "garbage, solid waste or refuse matter" in the "county improvement authorities law," P. L. 1960, c. 183 (C. 40:37A-44 et seq.), included in the law by P. L. 1973, c. 330, consistent with the definition of "solid waste" included in the "municipal and county utilities authorities law," P. L. 1957, c. 183 (C. 40:14B-1 et seq.), included in the law by P. L. 1977, c. 384. The consistency of these definitions will facilitate the resolution of an area's solid waste problems whether the matter is dealt with by a county improvement authority or a municipal utilities authority.

A3060 (1981)

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ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3060

STATE OF NEW JERSEY

DATED: JUNE 25, 1981

Senate Bill No. 3060 amends the "county improvement authorities law" (P. L. 1960, c. 183; C. 40:37A-44 et seq.) in order to bring the definition of "garbage, solid waste or refuse matter" into conformity with the definition of "solid waste" in the "municipal and county utilities authorities law" (P. L. 1957, c. 183; C. 40:14B-1 et seq.).

The bill also adds the word "sludge" to the definitions section of the "county improvement authorities law" to bring it into conformity with the "municipal and county utilities authorities law."

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 3060**

**STATE OF NEW JERSEY**

DATED: JANUARY 29, 1981

Senate Bill No. 3060 would make the definition of "garbage, solid waste or refuse matter" in the "county improvement authorities law," (P. L. 1960, c. 183; C. 40:37A-44 et seq.) consistent with that of "solid waste" set forth in the "municipal and county utilities authorities law," (P. L. 1957, c. 183; C. 40:14B-1 et seq.). The consistency of definitions will facilitate solid waste disposal and management whether by a county improvement authority or municipal utilities authority.