

40:41A-101; 40:41A-102

LEGISLATIVE HISTORY CHECKLIST

(Ordinances and county resolutions--
number of copies filed with each
municipality)

RJSA 40:41A-101, 40:41A-102

LAWS OF 1977

CHAPTER 150

Bill No. A3096

Sponsor(s) Szabo, Perskie, McManimon

Date Introduced Feb. 14, 1977

Committee: Assembly County Government

Senate County & Municipal Government

Amended during passage

~~Yes~~

No

Substituted for S3109
(not attached since is
identical to A3096)

Date of Passage: Assembly April 25, 1977

Senate April 28, 1977

Date of approval July 11, 1977

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

Hearings

~~Yes~~

No

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M.S./MB

ASSEMBLY, No. 3096

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1977

By Assemblywoman SZABO and Assemblymen PERSKIE
and McMANIMON

Referred to Committee on County Government

AN ACT to amend the "Optional County Charter Law," approved
September 19, 1972 (P. L. 1972, c. 154).

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

1 1. Section 101 of P. L. 1972, c. 154 (C. 40:41A-101) is amended
2 to read as follows:

3 101. Ordinances.

4 a. An ordinance shall mean any act or regulation of the board,
5 except an expense budget or capital budget, required to be reduced
6 to writing, published after introduction, and considered for final
7 passage after public hearing at a meeting subsequent to the meet-
8 ing at which it was introduced;

9 b. Except as otherwise provided by general law the procedure
10 for the passage of ordinances shall be as follows:

11 (1) Every ordinance after being introduced and having passed a
12 first reading, which first reading may be by title, shall be published
13 at least once in the manner provided by section 142 of this act,
14 together with a notice of the introduction thereof and the time and
15 place when and where it will be further considered for final passage.
16 If there be only one such publication the same shall be at least
17 1 week prior to the time fixed for further consideration for final
18 passage. If there be more than one publication, the first shall be at
19 least 1 week prior to the time fixed for further consideration
20 for final passage. A copy of the proposed ordinance shall also be
21 sent by regular mail to the clerk of each municipality in the county
22 not less than 1 week prior to the date of hearing.

23 (2) At the time and place so stated in such publication, or at any
24 time and place to which the meeting for the further consideration

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

25 of the ordinance shall from time to time be adjourned, all persons
26 interested shall be given an opportunity to be heard concerning
27 the ordinance. Final passage thereof shall be at least 10 days from
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given
30 a second reading, which reading may be by title, and thereafter, it
31 may be passed by a majority of the whole number of the board, with
32 or without amendments, or rejected. Prior to the said second read-
33 ing, a copy of the ordinance shall be posted on the bulletin board
34 or other place upon which public notices are customarily posted in
35 the building in which the board regularly meets, and copies of the
36 ordinance shall be made available to members of the general public
37 who shall request such copies. If any amendment be adopted,
38 altering the ordinance, the ordinance as so amended shall not be
39 finally adopted until at least 1 week thereafter, and the ordinance
40 as amended shall be read at a meeting of the board, which reading
41 may be by title, and shall be published, together with a notice of the
42 introduction, and the time and place when and where the amended
43 ordinance will be further considered for final passage, at least
44 2 days prior to the time so fixed. At the time and place so fixed, or
45 at any other meeting to which the further consideration of the
46 amended ordinance may be adjourned, the board may proceed to
47 pass the ordinance, as amended, or again amend it in the same
48 manner.

49 (4) Upon passage, every ordinance, or the title, together with a
50 notice of the date of passage or approval, or both, shall be published
51 at least once in the manner provided by section 142 of this act.

52 (5) ~~Three~~ *One* certified ~~copies~~ *copy* of the full text of every
53 ordinance so adopted shall be filed with the clerk of each municipi-
54 pality within the county not later than 10 days after the date of
55 final passage.

56 (6) The board may enact, amend or supplement ordinances
57 establishing, amending or supplementing a code or any parts
58 thereof, not inconsistent with law, by reference to such code in any
59 such ordinance and without inclusion of the text thereof in such
60 ordinance if the code to be adopted and any related documents are
61 printed in book form and a copy of such printed code and related
62 documents so marked as to indicate plainly what portion thereof,
63 if less than the whole, is intended to be adopted, is annexed to
64 such ordinance and if such code and related documents or such
65 portion thereof as is intended to be adopted is so described in said
66 ordinance as to identify them and there is indicated in said descrip-

67 tion the common or trade name, if any, of such code and related
68 documents and it is stated in the ordinance that **[three copies]** *one*
69 *copy* of said code and said related documents, similarly marked,
70 have been placed on file in the office of the clerk of said board, upon
71 the introduction of said ordinance and will remain on file there until
72 final action is taken on said ordinance, for the use and examination
73 of the public.

74 It shall not be necessary to publish any such code or related docu-
75 ments, so to be adopted, as part of any such ordinance notwith-
76 standing that *a* printed **[copies]** *copy* thereof **[are]** *is* annexed
77 thereto, either before or after the final passage of such ordinance,
78 if said printed **[copies are]** *copy is* filed as aforesaid. The board of
79 freeholders however may order the publication of said code or a
80 synopsis in the manner provided by section 142 of this act if it is
81 deemed that such procedure will be in the public interest because
82 of the content and importance of the provisions of the code.

83 If any such ordinance is adopted, the said **[copies]** *copy* of said
84 code and related documents shall remain on file in said office, so
85 long as said ordinance is in effect, and **[three]** *one* certified **[copies]**
86 *copy* shall be placed on file and shall remain on file in the office of
87 each clerk of each municipality within the county, for the use and
88 examination of the public so long as said ordinance is in effect and
89 printed copies of said ordinance and said code and related docu-
90 ments shall be made available to citizens on request and for which
91 a reasonable fee may be charged.

92 For the purpose of proof of any such ordinance or receipt thereof
93 in evidence in all courts and places, such copy of such code and
94 related documents, so marked and annexed to such ordinance, shall
95 be construed to be part of said ordinance, as fully as though it had
96 been set forth at length therein.

97 (7) The board may prescribe penalties for the violation of ordi-
98 nances it may have authority to pass, either by imprisonment in
99 the county jail for any term not exceeding 90 days, or by a fine not
100 exceeding \$500.00, or both. The court before which any person is
101 convicted of violating any such ordinance shall have power to im-
102 pose any fine or term of imprisonment not exceeding the maximum
103 fixed in such ordinance.

104 Any person convicted of the violation of any ordinance may, in
105 the discretion of the court by which he was convicted, and in default
106 of the payment of any fine imposed therefor, be imprisoned in the
107 county jail for any term not exceeding 90 days for such default.

108 c. No ordinance shall take effect less than 20 days after its
 109 final passage by the board and approval by the county executive,
 110 or supervisor or board chairman or president, where such approval
 111 is required, unless the board shall adopt a resolution declaring an
 112 emergency and at least two-thirds of all the members of the board
 113 vote in favor of such resolution.

1 2. Section 102 of P. L. 1972, c. 154 (C. 40:41A-102) is amended
 2 to read as follows:

3 102. Recording of ordinances and resolutions. The clerk to the
 4 board of freeholders shall record all ordinances and resolutions
 5 adopted by board and at the close of each year, with the advice and
 6 assistance of the county counsel shall bind, compile or codify true
 7 copies of all the ordinances and resolutions adopted during that
 8 year, properly indexed. He shall cause sufficient copies thereof to
 9 be printed to enable him to file **[three copies]** *one copy* with the
 10 clerk of each municipality within the county, without charge, and
 11 also to make copies available to the general public, at cost.

1 3. This act shall take effect immediately.

STATEMENT

This bill amends two sections of the "Optional County Charter Law" which currently require the board of freeholders to file three copies of county ordinances and resolutions with each municipality within the county. It would allow the clerk of the board of freeholders to file one such copy with each municipality. The bill will save the counties substantial duplication and printing costs.

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109 final passage by the board and approval by the county executive,
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111 is required, unless the board shall adopt a resolution declaring an
112 emergency and at least two-thirds of all the members of the board
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1 2. Section 102 of P. L. 1972, c. 154 (C. 40:41A-102) is amended
2 to read as follows:

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4 board of freeholders shall record all ordinances and resolutions
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7 copies of all the ordinances and resolutions adopted during that
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