

40:49-2.1

LEGISLATIVE HISTORY CHECKLIST

(Eliminates requirement that land use ordinances text be published in certain cases)

NJSA 40:49-2.1

Laws of 1977 Chapter 395

Bill No. S3008

Sponsor(s) Skevin

Date Introduced January 11, 1977

Committee: Assembly County Government

Senate County & Municipal Government

Amended during passage: Yes No Assembly Committee Substitute enacted.

Date of passage: Assembly Sept. 26, 1977

Senate Nov. 21, 1977

Date of approval February 23, 1978

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 3008

STATE OF NEW JERSEY

ADOPTED JULY 11, 1977

AN ACT concerning enactment of certain municipal ordinances and supplementing chapter 49 of Title 40 of the Revised Statutes.

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

1 1. In the case of any ordinance adopted pursuant to the "Municipal
2 Land Use Law," P. L. 1975, c. 291 (C. 40:55D-1 et seq.), including
3 any amendments or supplements thereto, or revisions or
4 codifications thereof, which is in length, six or more octavo pages
5 of ordinary print, the governing body of any municipality may,
6 notwithstanding the provisions of R. S. 40:49-2, satisfy the newspaper
7 publication requirements for the introduction and passage
8 of such ordinance in the following manner:

9 a. The publication of a notice citing such proposed ordinance
10 by title, giving a brief summary of the main objectives or provisions
11 of the ordinance, stating that copies are on file for public
12 examination and acquisition at the office of the municipal clerk,
13 and setting forth the time and place for the further consideration
14 of the proposed ordinance;

15 b. The placing on file, in the office of the clerk, three copies of
16 the proposed ordinance, which copies shall be available for public
17 inspection until final action is taken on said ordinance; and

18 c. The publication or arranging for the publication of the proposed
19 ordinance in pamphlet or other similar form, which may be
20 sold by the municipality at a price not to exceed the cost of publication
21 and distribution.

22 If any amendment be adopted to any such proposed ordinance
23 substantially altering the substance of the proposed ordinance,
24 there shall be caused to be published a notice of the title of the
25 ordinance, the introduction and time and place that the amended
26 ordinance will be further considered and a summary of the objectives
27 or provisions of the amendment or amendments, which notice
28 shall be published at least 2 days prior to the time so fixed therefor

29 in accordance with subsection c. of R. S. 40:49-2. Copies of the
30 amended ordinance shall be on file and available, for public examina-
31 tion and duplication, in the office of the municipal clerk, until final
32 action is taken on said ordinance. If said ordinance is again
33 amended, the same publication requirements herein set forth for
34 amended ordinances shall be followed.

35 Upon passage of any such ordinance, notice of passage or ap-
36 proved shall be published in accordance with subsection d. of R. S.
37 40:49-2.

1 2. This act shall take effect immediately.

STATEMENT

The objective of this bill is to reduce the costs to municipalities of having to publish, in accordance with R. S. 40:49-2, the full text of lengthy land use ordinances. The special publication procedures set forth in the bill also apply to amendments or supplements, thereto, or revisions or codifications thereof, which meet the conditions of the bill.

If the length of any proposed land use ordinance is six or more (6 X 9) pages in length, the governing body is granted the option of either publishing the text of such ordinance in full or substituting therefor the requirements of this bill, which are:

- (1) An abbreviated notice of introduction, of the time and place of meeting, and the place at which the proposed ordinance is on file and available for public inspection;
- (2) The proposed ordinance, and amendments thereto, if any, are on file and available for public inspection; and
- (3) The proposed ordinance is published in pamphlet or other similar form, which may be sold to the public at cost.

A municipality will be required to satisfy all of the provisions of R. S. 40:49-2 not specifically superseded by this bill.

SENATE, No. 3008

STATE OF NEW JERSEY

INTRODUCED JANUARY 11, 1977

By Senator SKEVIN

Referred to Committee on County and Municipal Government

AN ACT to amend "An act concerning municipalities, and supplementing chapter 49 of Title 40 of the Revised Statutes," approved March 19, 1946 (P. L. 1946, c. 21).

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

1 1. Section 1 of P. L. 1946, c. 21 (C. 40:49.5.1) is amended to read
2 as follows:

3 1. Any municipality may enact, amend or supplement ordinances,
4 establishing, amending or supplementing rules and regulations
5 affecting the construction, reconstruction or repair of buildings,
6 ordinances for fire prevention and ordinances establishing fire
7 prevention codes, *zoning ordinances, municipal land use ordinances,*
8 and health ordinances establishing, amending or supplementing
9 rules and regulations affecting the installation, maintenance, repair
10 and control of the plumbing, ventilation and drainage of buildings
11 and the connection thereof with an outside sewer, cesspool or other
12 receptacle, regulating the practice of plumbing, or dealing with the
13 issuance of licenses to practice plumbing, by reference to such rules
14 and regulations in any such ordinance and without the inclusion
15 of the text thereof therein, if the rules and regulations to be adopted
16 are printed or otherwise reproduced in book form as a code or as
17 a part of a code of such rules and regulations; *provided,* that a copy
18 of such printed code, so marked as to indicate plainly what portion
19 thereof, if less than the whole, is intended to be adopted, is annexed
20 to such ordinance; that said code or such portion thereof as is
21 intended to be adopted is so described in said ordinance as to
22 identify it and there is indicated in said description the common
23 or trade name, if any, of such code of rules and regulations; and
24 that it is stated in the ordinance that three copies of said code,
25 similarly marked, have been placed on file in the office of the municipal clerk, upon the introduction of said ordinance and will remain
26 on file there until final action is taken on said ordinance, for the
27 use and examination of the public.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to reduce the cost of municipal government by eliminating the expense presently incurred by municipalities in publishing the text of ordinances in full in local newspapers.

On November 16, 1976, the Governor signed into law chapter 115 of the laws of 1976. This act eliminated the need to publish in full the text of ordinances readopted in accordance with the requirements of the Municipal Land Use Law. Chapter 115, however, did not go quite far enough, since many municipalities will also be required to revise their zoning ordinances, subdivision and site plan ordinances, in conformity with the Municipal Land Use Law. The adoption of this bill will complete the money-saving work commenced by chapter 115 and will potentially, save the municipalities of New Jersey hundreds of thousand of dollars annually.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3008

—◆—
STATE OF NEW JERSEY
—◆—

DATED: APRIL 18, 1977

Senate Bill No. 3008 authorizes a municipality to adopt, amend or supplement municipal land use ordinances without having to set out in full the text and maps, if any, of any such ordinance proposed for adoption under certain circumstances. Specifically, the waiver of publication requirement is contingent upon publication of such regulations in book or pamphlet form.

The objective of this bill is, according to the bill's sponsor, to reduce the costs of publication to municipalities. Municipalities are required to publish in full any ordinance introduced and having passed first reading. This bill does not alter the publication of ordinance requirement. The saving to the municipality will result from the shortening of the text of the ordinance. Such ordinances will adopt development regulations by reference rather than having to set out in full the text of the regulation.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR

SENATE, No. 3008

STATE OF NEW JERSEY

DATED: JULY 11, 1977

The committee accepted a committee substitute by the sponsor to Senate Bill No. 3008. The objective of this bill is to reduce the cost to municipalities of having to publish lengthy land ordinances pursuant to R. S. 40:49-2. The bill would give a municipality the option of either publishing a land use ordinance which is six or more (6 x 9) pages in length or publishing a notice of the introduction of an ordinance, making the full ordinance available for public inspection, and publishing the full ordinance in pamphlet or other similar form.