

40:67-23.1

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:67-23.1

Laws of 1975 Chapter 243

Bill No. A-1358

Sponsor(s) Flynn, Van Wagner, Salkind

Date Introduced March 25, 1974

Committee: Assembly Municipal Govt.

Senate County & Municipal Gov't.

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks.

Date of passage: Assembly May 9, 1974

Senate July 14, 1975

Date of approval October 27, 1975

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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ASSEMBLY, No. 1358

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1974

By Assemblymen FLYNN, VAN WAGNER and SALKIND

Referred to Committee on Municipal Government

AN ACT concerning municipal services to **certain** streets which have not been designated as public highways **[and]** **, and the dedication thereof** supplementing Title 40 of the Revised Statutes **and repealing P. L. 1944, c. 35 and R. S. 40:150-1**.

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

1 1. The governing body of every municipality may make, amend,
2 repeal and enforce ordinances to cause the governing body of the
3 municipality to repair and maintain and provide for the removal
4 of snow, ice and other obstructions from, and provide for the
5 lighting of, any roads or streets upon which the travel is sufficient,
6 in the opinion of said governing body, to warrant such expendi-
7 tures, even though such roads or streets shall not have been taken
8 over by said municipal governing body or dedicated and accepted
9 as public highways **[*provided, however, that as a condition for**
10 **rendering any such services, all roads]** **, Roads** or streets so
11 serviced, which are not shown on the official map of the munici-
12 pality, **[shall]** **, may, at the option of the governing body of*
13 *said municipality, be* **[(1)]** *suitably improved in accordance*
14 *with any requirements established pursuant to the "Official Map*
15 *and Building Permit Act (1953)," P. L. 1953, c. 434 (C. 40:55-130*
16 *et seq.), and* **[(2)]** *dedicated to the municipality, within 2*
17 *years from the effective date of any ordinance adopted pursuant*
18 *to the provisions of this act.*

1 2. *P. L. 1944, c. 35 (C. 40:88-10.1) and R. S. 40:150-1 are hereby*
2 *repealed.**

1 **[2.]** **3.* This act shall take effect immediately.*

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

ASSEMBLY, No. 1358

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1974

By Assemblymen FLYNN, VAN WAGNER and SALKIND

Referred to Committee on Municipal Government

AN ACT concerning municipal services to streets which have not been designated as public highways and supplementing 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. The governing body of every municipality may make, amend,
2 repeal and enforce ordinances to cause the governing body of the
3 municipality to repair and maintain and provide for the removal
4 of snow, ice and other obstructions from, and provide for the
5 lighting of, any roads or streets upon which the travel is sufficient,
6 in the opinion of said governing body, to warrant such expendi-
7 tures, even though such roads or streets shall not have been taken
8 over by said municipal governing body or dedicated and accepted
9 as public highways.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit any municipal governing body to render specific municipal services on streets not yet dedicated to the municipality, where conditions warrant.

At the present time, boroughs (P. L. 1944, c. 35; C. 40:88-10.1) and townships governed by township committee (R. S. 40:150-1) are permitted to render some services where conditions warrant. This bill would extend to every municipal governing body the right to render certain services to streets not yet designated as public streets.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1358

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1975

Assembly Bill 1358 allows any municipality, by ordinance, to repair, maintain and provide for the removal of snow, ice and other obstructions from, and provide for the lighting of any roads or streets even though such roads or streets shall not have been taken over by the municipality or dedicated and accepted as public highways; provided that the municipality is satisfied that there is sufficient travel on said roads or streets to warrant such expenditures.

The bill has been patterned after the provisions of P. L. 1944, c. 34 (C. 40:88-10.1) and R. S. 40:150-1 which already bestow similar powers on boroughs and townships.

The Senate Committee amendments would limit such services to roads or streets which, within 2 years from the effective date of any ordinance adopted pursuant to the provisions of this bill, are (1) suitably improved in accordance with any requirements established pursuant to the "Official Map and Building Permit Act (1953)," and (2) dedicated to the municipality.