

40:65-12.1 & 40:65-12.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 71

NJSA: 40:65-12.1 & 40:65-12.2 (Authorizes snow removal from covered fire hydrants and locator pole installation)

BILL NO: A2966 (Substituted for S2254)

SPONSOR(S) Lagana and others

DATE INTRODUCED: March 24, 2014

COMMITTEE: **ASSEMBLY:** State and Local Government

SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 14, 2015

SENATE: June 29, 2015

DATE OF APPROVAL: July 6, 2015

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Fourth Reprint enacted) Yes

A2996

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S2254

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE:

Yes

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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No

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No

LAW/JA

P.L.2015, CHAPTER 71, *approved July 6, 2015*
Assembly, No. 2996 (*Fourth Reprint*)

1 AN ACT concerning snow accumulation over fire hydrants, and
2 supplementing chapter 65 of Title 40 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Director” means the Director of the Division of ⁴**[Local**
10 **Government Services]** Fire Safety⁴ in the Department of
11 Community Affairs.

12 “Division” means the Division of Division of ⁴**[Local**
13 **Government Services]** Fire Safety⁴ in the Department of
14 Community Affairs.

15 “Hydrant locator pole” means a pole installed on ³or adjacent to,
16 as appropriate,³ a fire hydrant to enable the hydrant to be located
17 when covered in snow.

18 “Snow coverage” means the initial complete coverage of the fire
19 hydrant as a result of natural precipitation or street clearing
20 activities.

21 ³**[“Water purveyor” means a public or private entity, including**
22 **both for-profit and not-for-profit companies, that provides water for**
23 **human consumption.]**³

24 b. On or before the first day of the twelfth month next
25 following the operative date of P.L. , c. (C.) (pending
26 before the Legislature as this bill), the governing body of every
27 municipality ¹**[shall either]** may¹:

28 (1) install, or cause to be installed, a hydrant locator pole on
29 every working fire hydrant within municipal boundaries. The
30 hydrant locator pole shall be maintained in compliance with rules
31 and regulations adopted by the director;

32 (2) ²**[adopt an ordinance or resolution, as applicable,**
33 notwithstanding any provision of chapter 19 of Title 48 of the
34 Revised Statutes,¹ requiring any water purveyor servicing the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted June 12, 2014.

²Senate SCU committee amendments adopted December 8, 2014.

³Senate floor amendments adopted January 13, 2015.

⁴Assembly amendments adopted in accordance with Governor's
recommendations May 7, 2015.

1 municipality to clear all fire hydrants within their service area of
2 snow, within 24 hours of snow coverage, in compliance with rules
3 and regulations adopted by the director;

4 (3)² adopt an ordinance or resolution, as applicable, requiring
5 the owner of any real property abutting any fire hydrant to clear
6 such fire hydrant of snow, within 24 hours of snow coverage, in
7 compliance with rules and regulations adopted by the director; or

8 ²[(4)] (3)² adopt an ordinance or resolution, as applicable,
9 ¹[requiring] directing¹ the municipality itself, or any department
10 thereof, to clear all fire hydrants of snow, within 24 hours of snow
11 coverage, in compliance with rules and regulations adopted by the
12 director.

13 c. If a party responsible for fire hydrant clearance under
14 subsection b. of this section fails to perform the required clearance
15 within the specified time, the municipality, or any department
16 thereof, may perform the clearance and bill the responsible party no
17 more than \$75 for the service.
18

19 ¹[2. The director shall require the governing body of every
20 municipality to either verify the installation of hydrant locator poles
21 to the division, or file a copy of the resolution or ordinance
22 requiring fire hydrant clearance with the division. If a municipality
23 does not comply with this verification or filing requirement, in
24 compliance with rules and regulations adopted by the director, by
25 the first day of the thirteenth month next following the operative
26 date of section 1 of P.L. , c. (C.) (pending before the
27 Legislature as this bill), then, pursuant to the “Local Budget Law,”
28 N.J.S.40A:4-1 et seq., the director shall not approve the
29 municipality’s budget until the governing body of the municipality
30 takes such action as is necessary to comply.]¹
31

32 ¹[3.] 2.¹ On or before the first day of the sixth month next
33 following enactment of P.L. , c. (C.) (pending before the
34 Legislature as this bill), the director, in accordance with the
35 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
36 seq.), ⁴[and in consultation with the Director of the Division of Fire
37 Safety in the Department of Community Affairs,]⁴ shall adopt and
38 promulgate such rules and regulations as may be necessary for the
39 implementation of this act, including guidance for the acceptable
40 physical characteristics of hydrant locator poles, maintenance
41 requirements for such poles, and snow removal standards.
42

43 ¹[4.] 3.¹ This act shall take effect immediately, but section 1
44 shall remain inoperative until the first day of the sixth month next
45 following enactment.

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Authorizes snow removal from covered fire hydrants and locator pole installation.

ASSEMBLY, No. 2996

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

Sponsored by:

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Requires snow removal from covered fire hydrants or locator pole installation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/9/2014)

1 AN ACT concerning snow accumulation over fire hydrants, and
2 supplementing chapter 65 of Title 40 of the Revised Statutes.

3

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

6

7 1. a. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Director” means the Director of the Division of Local
10 Government Services in the Department of Community Affairs.

11 “Division” means the Division of Local Government Services in
12 the Department of Community Affairs.

13 “Hydrant locator pole” means a pole installed on a fire hydrant to
14 enable the hydrant to be located when covered in snow.

15 “Snow coverage” means the initial complete coverage of the fire
16 hydrant as a result of natural precipitation or street clearing
17 activities.

18 “Water purveyor” means a public or private entity, including
19 both for-profit and not-for-profit companies, that provides water for
20 human consumption.

21 b. On or before the first day of the twelfth month next
22 following the operative date of P.L. , c. (C.) (pending
23 before the Legislature as this bill), the governing body of every
24 municipality shall either:

25 (1) install, or cause to be installed, a hydrant locator pole on
26 every working fire hydrant within municipal boundaries. The
27 hydrant locator pole shall be maintained in compliance with rules
28 and regulations adopted by the director;

29 (2) adopt an ordinance or resolution, as applicable, requiring
30 any water purveyor servicing the municipality to clear all fire
31 hydrants within their service area of snow, within 24 hours of snow
32 coverage, in compliance with rules and regulations adopted by the
33 director;

34 (3) adopt an ordinance or resolution, as applicable, requiring the
35 owner of any real property abutting any fire hydrant to clear such
36 fire hydrant of snow, within 24 hours of snow coverage, in
37 compliance with rules and regulations adopted by the director; or

38 (4) adopt an ordinance or resolution, as applicable, requiring the
39 municipality itself, or any department thereof, to clear all fire
40 hydrants of snow, within 24 hours of snow coverage, in compliance
41 with rules and regulations adopted by the director.

42 c. If a party responsible for fire hydrant clearance under
43 subsection b. of this section fails to perform the required clearance
44 within the specified time, the municipality, or any department
45 thereof, may perform the clearance and bill the responsible party no
46 more than \$75 for the service.

1 2. The director shall require the governing body of every
2 municipality to either verify the installation of hydrant locator poles
3 to the division, or file a copy of the resolution or ordinance
4 requiring fire hydrant clearance with the division. If a municipality
5 does not comply with this verification or filing requirement, in
6 compliance with rules and regulations adopted by the director, by
7 the first day of the thirteenth month next following the operative
8 date of section 1 of P.L. , c. (C.) (pending before the
9 Legislature as this bill), then, pursuant to the “Local Budget Law,”
10 N.J.S.40A:4-1 et seq., the director shall not approve the
11 municipality’s budget until the governing body of the municipality
12 takes such action as is necessary to comply.

13
14 3. On or before the first day of the sixth month next following
15 enactment of P.L. , c. (C.) (pending before the Legislature
16 as this bill), the director, in accordance with the “Administrative
17 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and in
18 consultation with the Director of the Division of Fire Safety in the
19 Department of Community Affairs, shall adopt and promulgate such
20 rules and regulations as may be necessary for the implementation of
21 this act, including guidance for the acceptable physical
22 characteristics of hydrant locator poles, maintenance requirements
23 for such poles, and snow removal standards.

24
25 4. This act shall take effect immediately, but section 1 shall
26 remain inoperative until the first day of the sixth month next
27 following enactment.

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STATEMENT

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32 This bill requires every municipality to either install a locator
33 pole on every fire hydrant within its boundaries, or to require such
34 fire hydrants to be cleared of snow within 24 hours of coverage by
35 either the water purveyor servicing the municipality, the abutting
36 property owner, or a department of the municipality itself, within 24
37 hours of snow coverage. If a party responsible for fire hydrant
38 clearance fails to fulfill this responsibility within the specified time,
39 the municipality may perform the clearance and bill the responsible
40 party no more than \$75 for the service.

41 The Director of the Division of Local Government Services in
42 the Department of Community Affairs would adopt and promulgate
43 rules and regulations necessary for the implementation of this bill
44 by the first day of the sixth month next following enactment. At
45 that time, municipalities would have until the first day of the
46 twelfth month next to complete hydrant locator pole installations, or
47 to adopt an ordinance or resolution requiring water purveyors,
48 abutting property owners, or a department of the municipality itself,

A2996 LAGANA, STENDER

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1 to clear all fire hydrants in their service area within 24 hours of
2 snow coverage. The director shall require municipalities to verify
3 the installation of hydrant locator poles to the division, or file a
4 copy of the resolution or ordinance requiring fire hydrant clearance
5 with the division. Absent compliance with this verification or filing
6 requirement, then, pursuant to the “Local Budget Law,”
7 N.J.S.40A:4-1 et seq., the director shall not approve of the
8 municipality’s budget.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2996

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2014

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 2996.

As amended, this bill authorizes every municipality to either install a locator pole on every fire hydrant within its boundaries, or to require such fire hydrants to be cleared of snow by either the water purveyor servicing the municipality, the abutting property owner, or a department of the municipality itself, within 24 hours of snow coverage. If a party responsible for fire hydrant clearance fails to fulfill this responsibility within the specified time, the municipality may perform the clearance and bill the responsible party no more than \$75 for the service.

The Director of the Division of Local Government Services in the Department of Community Affairs will adopt and promulgate rules and regulations necessary for the implementation of the bill by the first day of the sixth month next following enactment.

COMMITTEE AMENDMENTS

The committee amended the bill to authorize, instead of require, a municipality either to install a locator pole on every fire hydrant or to require the clearance of snow with 24 hours by a water purveyor, a property owner, or the municipality itself. Consequently, the committee amendments also removed the provision requiring verification of the installation of hydrant locator poles or the filing of a resolution or ordinance requiring fire hydrant clearance with the Director of the Division of Local Government Services by a certain deadline and the provision that the director would not approve a municipality's budget until it was in compliance with that requirement.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2996

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2014

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2996 (1R).

As amended by the committee, Assembly Bill No. 2996 (1R) would authorize municipalities either to install a locator pole on every fire hydrant within its boundaries, or to require fire hydrants to be cleared of snow by the abutting property owner, or a department of the municipality itself, within 24 hours of snow coverage. If a property owner responsible for fire hydrant clearance fails to fulfill this responsibility within the specified time, the municipality may perform the clearance and bill the responsible party no more than \$75 for the service.

The Director of the Division of Local Government Services in the Department of Community Affairs is required to adopt and promulgate rules and regulations necessary for the implementation of the bill by the first day of the sixth month next following enactment.

As amended by the committee, Assembly Bill No. 2996 (1R) is identical to Senate Bill No. 2254 (1R), which is also before the committee at this meeting.

COMMITTEE AMENDMENTS

The committee amended the bill to remove from the bill language that authorized municipalities to require fire hydrants located within municipal borders to be cleared of snow by the water purveyor servicing the municipality.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2996

with Assembly Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: JANUARY 13, 2015

These amendments revise the definition of “hydrant locator pole” to also include a pole installed adjacent to a fire hydrant, and also delete the definition of “water purveyor” from the bill.

SENATE, No. 2254

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JUNE 26, 2014

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Authorizes snow removal from covered fire hydrants and locator pole installation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning snow accumulation over fire hydrants, and
2 supplementing chapter 65 of Title 40 of the Revised Statutes.

3

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

6

7 1. a. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Director” means the Director of the Division of Local
10 Government Services in the Department of Community Affairs.

11 “Division” means the Division of Local Government Services in
12 the Department of Community Affairs.

13 “Hydrant locator pole” means a pole installed on a fire hydrant to
14 enable the hydrant to be located when covered in snow.

15 “Snow coverage” means the initial complete coverage of the fire
16 hydrant as a result of natural precipitation or street clearing
17 activities.

18 “Water purveyor” means a public or private entity, including
19 both for-profit and not-for-profit companies, that provides water for
20 human consumption.

21 b. On or before the first day of the twelfth month next
22 following the operative date of P.L. , c. (C.) (pending
23 before the Legislature as this bill), the governing body of every
24 municipality may:

25 (1) install, or cause to be installed, a hydrant locator pole on
26 every working fire hydrant within municipal boundaries. The
27 hydrant locator pole shall be maintained in compliance with rules
28 and regulations adopted by the director;

29 (2) adopt an ordinance or resolution, as applicable,
30 notwithstanding any provision of chapter 19 of Title 48 of the
31 Revised Statutes, requiring any water purveyor servicing the
32 municipality to clear all fire hydrants within their service area of
33 snow, within 24 hours of snow coverage, in compliance with rules
34 and regulations adopted by the director;

35 (3) adopt an ordinance or resolution, as applicable, requiring the
36 owner of any real property abutting any fire hydrant to clear such
37 fire hydrant of snow, within 24 hours of snow coverage, in
38 compliance with rules and regulations adopted by the director; or

39 (4) adopt an ordinance or resolution, as applicable, directing the
40 municipality itself, or any department thereof, to clear all fire
41 hydrants of snow, within 24 hours of snow coverage, in compliance
42 with rules and regulations adopted by the director.

43 c. If a party responsible for fire hydrant clearance under
44 subsection b. of this section fails to perform the required clearance
45 within the specified time, the municipality, or any department
46 thereof, may perform the clearance and bill the responsible party no
47 more than \$75 for the service.

1 2. On or before the first day of the sixth month next following
2 enactment of P.L. , c. (C.) (pending before the Legislature
3 as this bill), the director, in accordance with the “Administrative
4 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and in
5 consultation with the Director of the Division of Fire Safety in the
6 Department of Community Affairs, shall adopt and promulgate such
7 rules and regulations as may be necessary for the implementation of
8 this act, including guidance for the acceptable physical
9 characteristics of hydrant locator poles, maintenance requirements
10 for such poles, and snow removal standards.

11

12 3. This act shall take effect immediately, but section 1 shall
13 remain inoperative until the first day of the sixth month next
14 following enactment.

15

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STATEMENT

18

19 This bill authorizes every municipality to either install a locator
20 pole on every fire hydrant within its boundaries, or to require such
21 fire hydrants to be cleared of snow by either the water purveyor
22 servicing the municipality, the abutting property owner, or a
23 department of the municipality itself, within 24 hours of snow
24 coverage. If a party responsible for fire hydrant clearance fails to
25 fulfill this responsibility within the specified time, the municipality
26 may perform the clearance and bill the responsible party no more
27 than \$75 for the service.

28 The Director of the Division of Local Government Services in
29 the Department of Community Affairs will adopt and promulgate
30 rules and regulations necessary for the implementation of the bill by
31 the first day of the sixth month next following enactment.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2254

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2014

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2254.

As amended by the committee, Senate Bill No. 2254 would authorize municipalities either to install a locator pole on every fire hydrant within its boundaries, or to require fire hydrants to be cleared of snow by the abutting property owner, or a department of the municipality itself, within 24 hours of snow coverage. If a property owner responsible for fire hydrant clearance fails to fulfill this responsibility within the specified time, the municipality may perform the clearance and bill the responsible party no more than \$75 for the service.

The Director of the Division of Local Government Services in the Department of Community Affairs is required to adopt and promulgate rules and regulations necessary for the implementation of the bill by the first day of the sixth month next following enactment.

As amended by the committee, Senate Bill No. 2254 is identical to Assembly Bill No. 2996 (2R), which is also before the committee at this meeting.

COMMITTEE AMENDMENTS

The committee amended the bill to remove from the bill language that authorized municipalities to require fire hydrants located within municipal borders to be cleared of snow by the water purveyor servicing the municipality.

STATEMENT TO
[First Reprint]
SENATE, No. 2254

with Senate Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: JANUARY 13, 2015

These amendments revise the definition of “hydrant locator pole” to also include a pole installed adjacent to a fire hydrant, and also delete the definition of “water purveyor” from the bill.

ASSEMBLY BILL NO. 2996
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2996 (Third Reprint) with my recommendations for reconsideration.

This bill would permit municipalities to install hydrant locator poles on fire hydrants within municipal boundaries and adopt an ordinance or resolution mandating that snow be cleared from fire hydrants in compliance with statewide standards. This bill with its attendant regulatory system would provide a degree of uniformity to locator poles and snow-removal standards. I support the underlying purposes of the bill.

As written, however, the bill would give the Division of Local Government Services within the Department of Community Affairs the obligation to promulgate regulations governing fire hydrants. The regulation of fire hydrants is appropriately in the purview of the Division of Fire Safety, not Local Government Services.

Accordingly, I herewith return Assembly Bill No. 2996 (Third Reprint) and recommend that it be amended as follows:

- | | |
|--|---|
| <u>Page 2, Section 1, Lines 9-10:</u> | Delete "Local Government Services" and insert "Fire Safety" |
| <u>Page 2, Section 1, Line 11:</u> | Delete "Local Government Services" and insert "Fire Safety" |
| <u>Page 3, Section 2, Lines 26-27:</u> | Delete "and in consultation with the Director of the Division of Fire Safety in the Department of Community Affairs," |

[seasl]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Christopher S. Porrino

Chief Counsel to the Governor