

October 25, 1972

LEGISLATIVE HISTORY OF R.S.40:65-14, 15, 16  
(Sidewalks in municipalities; ordinances for imposition  
on abutting landowners of expense of construction repair  
alteration or maintenance; procedure)

Previous bills: 1969-A828 - Died in Assembly  
No Statement

*copy 2*

L.1970 - chap.297 - A168

Prefiled by Assemblyman Parker.

April 13 - Passed in Assembly.

May 4 - Passed in Senate, amended.

June 8 - Senate amendment passed in Assembly.

Dec.14 - Approved, chapter 297.

No Statement.

Amended during passage (copy enclosed).

No hearings or reports were located.

No newspaper clippings were located.

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JH/EH

ASSEMBLY, No. 168

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblyman PARKER

AN ACT providing for the repair and construction of sidewalks at the expense of the abutting landowners, and supplementing chapter 65 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. Any municipality may prescribe by general ordinance in what  
2 case curbs and sidewalks shall be constructed, repaired, altered,  
3 relaid or maintained at the expense of the abutting landowners;  
4 wherever in any municipality it shall hereafter become the duty of  
5 any owner of abutting lands under said ordinance or ordinances of  
6 the municipality to construct, repair, alter or relay any curb or side-  
7 walk, or section thereof, the authorities of such municipality hav-  
8 ing charge of street affairs may, by resolution, cause a notice in  
9 writing to be served upon the owners or occupant of said lands,  
10 requiring the necessary specified work to said curb or sidewalk to  
11 be done by the said owner or occupant within a period of not less  
12 than 30 days from the date of service of such notice; whenever any  
13 lands are unoccupied and the owner cannot be found within the  
14 municipality, the same may be mailed, postage prepaid, to his or  
15 her post-office address, if the same can be ascertained; in case such  
16 owner is a nonresident of the municipality or his or her post-office  
17 address cannot be ascertained, then the notice may be inserted for  
18 4 weeks, once a week in some newspaper of such municipality or if  
19 none be published therein, then in some newspaper published in  
20 the State and circulating in said municipality; in case the owner or  
21 occupant of such lands shall not comply with the requirements of  
22 such notice, it shall be lawful for the street department of the  
23 municipality, upon filing due proof of the service or publication of  
24 the aforesaid notice in the appropriate department of the muni-  
25 cipality, to cause the required work to be done, and paid for out of  
26 the municipality available for that purpose; the cost of such work

27 shall be certified by the department or person having charge  
28 thereof to the department or person having charge of the collec-  
29 tion of assessments in such municipality; upon filing the said  
30 certificate, the amount of the cost of such work shall be and become  
31 a lien upon the said abutting lands in front of which such work was  
32 done to the same extent that assessments for local improvements  
33 are liens in such municipality under its charter or the general law,  
34 and shall be collected in the manner provided by law for the collec-  
35 tion of such other assessments, and shall bear interest at the same  
36 rate; in addition thereto the municipality may have an action to  
37 recover the said amount against the owner of said lands, in any  
38 court having competent jurisdiction thereof; a certified copy of the  
39 aforesaid certificate shall in such action be prima facie evidence of  
40 the existence of a debt due from the said owner to the municipality.

1 2. All moneys recovered or paid to the municipality under the  
2 provisions of section 1 of this act shall be credited to the account  
3 out of which the cost of such work was paid.

1 3. The powers conferred by this act shall be deemed to be in  
2 addition to and independent of any and all powers and authority  
3 conferred by any other law or laws and not subject to any limita-  
4 tion contained in any such law or laws.

1 4. This act shall take effect immediately.

SENATE AMENDMENT TO  
**ASSEMBLY, No. 168**

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**STATE OF NEW JERSEY**

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ADOPTED APRIL 30, 1970

Amend page 1, section 1, line 26, omit "municipality", insert "municipal funds".

CHAPTER 297 LAWS OF N. J. 1970

APPROVED 12/14/70

[OFFICIAL COPY REPRINT]

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# STATE OF NEW JERSEY

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12 than 30 days from the date of service of such notice; whenever any  
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16 owner is a nonresident of the municipality or his or her post-office  
17 address cannot be ascertained, then the notice may be inserted for  
18 4 weeks, once a week in some newspaper of such municipality or if  
19 none be published therein, then in some newspaper published in  
20 the State and circulating in said municipality; in case the owner or  
21 occupant of such lands shall not comply with the requirements of  
22 such notice, it shall be lawful for the street department of the  
23 municipality, upon filing due proof of the service or publication of

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

24 the aforesaid notice in the appropriate department of the munici-  
25 pality, to cause the required work to be done, and paid for out of  
26 the \***[municipality]**\* *\*municipal funds\** available for that purpose;  
27 the cost of such work shall be certified by the department or person  
28 having charge thereof to the department or person having charge  
29 of the collection of assessments in such municipality; upon filing  
30 the said certificate, the amount of the cost of such work shall be  
31 and become a lien upon the said abutting lands in front of which  
32 such work was done to the same extent that assessments for local  
33 improvements are liens in such municipality under its charter or  
34 the general law, and shall be collected in the manner provided by  
35 law for the collection of such other assessments, and shall bear  
36 interest at the same rate; in addition thereto the municipality may  
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38 said lands, in any court having competent jurisdiction thereof; a  
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40 prima facie evidence of the existence of a debt due from the said  
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