

[OFFICIAL COPY REPRINT]

SENATE, No. 2028

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1971

By Senators TANZMAN, H. A. KELLY and LYNCH

Referred to Committee on County and Municipal Government

AN ACT concerning the powers of municipalities in relation to the temporary closing of streets in certain cases and supplementing chapter 67 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. The governing body of any municipality may, by ordinance,  
2 authorize the mayor or other chief executive officer of the munici-  
3 pality, or the officer, in charge of streets in any municipality not  
4 having a chief executive officer, to provide by regulation for the  
5 closing of any street or portion thereof to motor vehicle traffic on  
6 any day or days or during specified hours on any day or days  
7 whenever he finds that such closing is necessary for the preserva-  
8 tion of the public safety, health or welfare. Such ordinance *\*and*  
9 *regulations promulgated thereunder\** shall provide for the posting  
10 of proper warning signs of such closing in any street or portion  
11 thereof during the time the same is closed in pursuance thereof and  
12 shall provide penalties for the violation of such ordinance or any  
13 regulation promulgated thereunder.

1 2. No ordinance *\*or regulation\** adopted *\*thereunder\** pursuant  
2 to this act shall become effective unless and until it shall have been  
3 approved by the Commissioner of Transportation of the Depart-  
4 ment of Transportation.

1 3. This act shall take effect immediately.

Ret'd. with  
Gov. Recom'ds.

11-15-71

L 1971c.468

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11 in pursuance thereof and shall provide penalties for the violation of  
12 such ordinance or any regulation promulgated thereunder.

1 2. No ordinance adopted pursuant to this act shall become  
2 effective unless and until it shall have been approved by the Com-  
3 missioner of Transportation of the Department of Transportation.

1 3. This act shall take effect immediately.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 15, 1971

SENATE BILL NO. 2028

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2028, with my objections, for reconsideration.

Senate Bill No. 2028 would permit the governing body of a municipality to authorize by ordinance its Chief Executive Officer, or the officer in charge of streets in municipalities not having a Chief Executive Officer, to provide by regulation for the closing of a street to motor vehicle traffic on any day or days, or during specified hours, whenever he finds such closing is necessary for the preservation of the public safety, health and welfare. The ordinance authorizing this action must provide for the posting of warning signs when a street is closed and must provide for penalties for violation of the ordinance or regulation.

The bill also provides that the ordinance must be approved by the Commissioner of Transportation before it takes effect. However, it is obvious that most of the provisions relating to street closings would most likely be contained in the regulations. There are many other instances where the regulation of signs and traffic lights have to be approved by the department. In my opinion it is unrealistic to provide for the approval by the Department of Transportation of the ordinance, but not of the implementing regulations.

I recommend that the bill be amended to extend the requirement of approval to any regulations issued pursuant to such ordinance. In addition, Senate Bill No. 2028 requires the ordinance to provide for the posting of proper warning signs. In order to provide better dissemination of information and to avoid confusion, it is my suggestion that both the ordinance and the regulations should so provide.

Accordingly, I herewith return Senate Bill No. 2028 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 8: After "ordinance" insert "and regulations promulgated thereunder".

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Page 1, Section 2, Line 1: After "ordinance" insert "or regulation".

Page 1, Section 2, Line 1: After "adopted" insert "there-under".

Respectfully,

/s/ William T. Cahill

GOVERNOR

[seal]

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor

SENATE AMENDMENTS TO  
**SENATE, No. 2028**

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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 15, 1971

Amend page 1, section 1, line 8, after "ordinance", insert "and regulations promulgated thereunder".

Amend page 1, section 2, line 1, after "ordinance", insert "or regulation".

Amend page 1, section 2, line 1, after "adopted", insert "thereunder".