

R.S. 12:7C-1 thru 4

June 25, 1970

LEGISLATIVE HISTORY OF R.S. 12:7C-1 thru 4
(Boats, etc., abandonment)

Related bill introduced:

- 1969 - A493 (Aikens and others).
Passed Assembly.
2nd reading, Senate.
- 1969 - ACR 1 (Russo)
Passed Assembly.
Died in Senate.
- 1970 - ACR 37 - Kiehn
ACR 58 - Russo and others.
Passed both houses.
Filed May 13, 1970.

- L. 1969, Chapter 264 - A130
Prefiled for introduction by Russo and Hollenbeck.
March 24 - Passed in Assembly.
May 12 - Passed in Senate, amended.
November 17 - Senate amendment passed in Assembly.
January 9 - Approved, Chapter 264.
Amended during passage (copy enclosed of original bill and amendment).
No statement.
No hearings or reports were located (as of 6/70).

No clippings located at:

W.P.--N.J.--Boats and boating - 1969.

JH/PC

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 130

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Assemblyman RUSSO

[AN ACT prohibiting the mooring, grounding, attaching or fastening of flat-bottomed boats, barges, scows or rafts to certain lands or waters within the territory jurisdiction of a municipality without municipal permission, and providing a penalty for the violation thereof.] *AN ACT concerning the abandonment of flat-bottomed boats, barges, scows or rafts in certain cases, facilitating the sale and disposition of same by municipalities, and prescribing a penalty for violations.*

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

1 *1. Any person who shall willfully moor, ground or otherwise at-
2 tach or fasten, or otherwise cause or permit to be moored, grounded
3 or otherwise attached or fastened, any flat-bottomed boat, barge,
4 scow or raft to or upon any land or water within the territorial juris-
5 diction of a municipality, without permission of said municipality
6 or without obtaining the permission of said municipality within 20
7 days thereafter shall be guilty of a misdemeanor.]*

8 *1. It shall be unlawful for any person to willfully abandon any
9 flat-bottomed boat, barge, scow or raft to or upon any public land
10 or waterway or to or upon any private property without the con-
11 sent of the official designated by ordinance to perform such func-
12 tions in the municipality having jurisdiction over such public land
13 or waterway, or the owner or other person in charge of the private
14 property. A flat-bottomed boat, barge, scow or raft which has re-
15 mained moored, grounded or otherwise attached or fastened to or
16 upon any public land or waterway or any private property without
17 such consent for a period of more than 20 days shall be prima facie
18 evidence of such abandonment.

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

19 *Any person who violates this section shall be guilty of a misde-*
20 *meanor.**

1 2. Any **such abandoned** flat-bottomed boat, barge, scow or raft
2 which is moored, grounded, or otherwise attached or fastened to
3 **[any land or waters within the territorial jurisdiction of a municipi-*
4 *ality]* *or upon any public land or waterway or to or upon any*
5 *private property** in violation of section 1 of this act shall be
6 seized and forfeited to the municipality in which such violation
7 occurred; provided, however, that said forfeiture shall not become
8 effective until the municipality shall cause written notice of the
9 pendency thereof to be sent to the last known address of the owner
10 of such vessel and shall further cause a copy thereof to be posted
11 upon said vessel stating that unless the vessel is removed within
12 72 hours of the posting of the notice forfeiture shall occur. The
13 forfeiture provisions of this section shall not apply to innocent
14 owners, nor shall they affect the rights of a holder of a valid lien.
15 **After a period of at least 90 days has elapsed from the date of*
16 *forfeiture, the municipality may sell such abandoned flat-bottomed*
17 *boat, barge, scow or raft at auction in a public place, after giving*
18 *notice of such sale by certified mail to the owner, if his name and*
19 *address be known, and to the holder of any security interest, and*
20 *by publication at least 5 days before the date of sale in one news-*
21 *paper circulating in the municipality in which such abandoned flat-*
22 *bottomed boat, barge, scow or raft is to be sold.**

1 3. **[Any]* *At any time prior to the sale, any** flat-bottomed
2 boat, barge, scow or raft seized and forfeited to a municipality in
3 accord with section 2 of this act, may be redeemed by the owner
4 thereof, **[within 1 year of such seizure, and]* *or other person*
5 *entitled thereto** upon payment to the municipality of an amount
6 equal to the actual expense incurred by the municipality in remov-
7 ing such vessel and placing it in a boat storage basin plus 6%
8 interest, or an amount equal to \$10.00 per day for every day from
9 the date of forfeiture, whichever is the greater.

1 4. Nothing in this act shall be construed as giving a municipality
2 jurisdiction over vessels moored, grounded, attached or fastened
3 upon the riparian lands of the State, and over which the State
4 asserts sole jurisdiction.

1 5. This act shall take effect immediately.

ASSEMBLY, No. 130

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Assemblyman RUSSO

AN Act prohibiting the mooring, grounding, attaching or fastening of flat-bottomed boats, barges, scows or rafts to certain lands or waters within the territorial jurisdiction of a municipality without municipal permission, and providing a penalty for the violation thereof.

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

1 1. Any person who shall willfully moor, ground or otherwise at-
2 tach or fasten, or otherwise cause or permit to be moored, grounded
3 or otherwise attached or fastened, any flat-bottomed boat, barge,
4 scow or raft to or upon any land or water within the territorial juris-
5 diction of a municipality, without permission of said municipality
6 or without obtaining the permission of said municipality within 20
7 days thereafter shall be guilty of a misdemeanor.

1 2. Any flat-bottomed boat, barge, scow or raft which is moored,
2 grounded, or otherwise attached or fastened to any land or waters
3 within the territorial jurisdiction of a municipality in violation of
4 section 1 of this act shall be seized and forfeited to the municipality
5 in which such violation occurred; provided, however, that said
6 forfeiture shall not become effective until the municipality shall
7 cause written notice of the pendency thereof to be sent to the last
8 known address of the owner of such vessel and shall further cause
9 a copy thereof to be posted upon said vessel stating that unless
10 the vessel is removed within 72 hours of the posting of the notice
11 forfeiture shall occur. The forfeiture provisions of this section
12 shall not apply to innocent owners, nor shall they affect the rights
13 of a holder of a valid lien.

1 3. Any flat-bottomed boat, barge, scow or raft seized and for-
2 feited to a municipality in accord with section 2 of this act, may
3 be redeemed by the owner thereof, within 1 year of such seizure,

4 and upon payment to the municipality of an amount equal to the
5 actual expense incurred by the municipality in removing such vessel
6 and placing it in a boat storage basin plus 6% interest, or an
7 amount equal to \$10.00 per day for every day from the date of
8 forfeiture, whichever is the greater.

1 4. Nothing in this act shall be construed as giving a municipality
2 jurisdiction over vessels moored, grounded, attached or fastened
3 upon the riparian lands of the State, and over which the State
4 asserts sole jurisdiction.

1 5. This act shall take effect immediately.

SENATE AMENDMENTS TO
ASSEMBLY, No. 130

STATE OF NEW JERSEY

ADOPTED APRIL 28, 1969

Amend page 1, title, delete title in its entirety and insert new title as follows:

“AN ACT concerning the abandonment of flat-bottomed boats, barges, scows or rafts in certain cases, facilitating the sale and disposition of same by municipalities, and prescribing a penalty for violations.”.

Amend page 1, section 1, lines 1 to 7, delete section 1 in its entirety, and insert new section 1 as follows:

“1. It shall be unlawful for any person to willfully abandon any flat-bottomed boat, barge, scow or raft to or upon any public land or waterway or to or upon any private property without the consent of the municipality having jurisdiction over such public land or waterway, or the owner or other person in charge of the private property. A flat-bottomed boat, barge, scow or raft which has remained moored, grounded or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than 20 days shall be prima facie evidence of such abandonment.

Any person who violates this section shall be guilty of a misdemeanor.”.

Amend page 1, section 2, line 1, after “Any”, insert “such abandoned”.

Amend page 1, section 2, lines 2 and 3, after “fastened to”, delete “any land or waters within the territorial jurisdiction of a municipality”, and insert “or upon any public land or waterway or to or upon any private property”.

Amend page 1, section 2, line 13, after “lien.”, insert “After a period of at least 90 days has elapsed from the date of forfeiture, the municipality may sell such abandoned flat-bottomed boat, barge, scow or raft at auction in a public place, after giving notice of such sale by certified mail to the owner, if his name and address be known, and to the holder of any security interest, and by publication at least 5 days before the date of sale in one newspaper circulating in the municipality in which such abandoned flat-bottomed boat, barge, scow or raft is to be sold.”.

Amend page 1, section 3, line 1, after “3.”, delete “Any” and insert “At any time prior to the sale, any”.

Amend page 1, section 3, line 3, after “thereof,”, delete “within 1 year of such seizure”, and insert “or other person entitled thereto”.

Amend page 2, section 3, line 4, delete “and”.

FURTHER SENATE AMENDMENT TO
ASSEMBLY, No. 130

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STATE OF NEW JERSEY
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ADOPTED MAY 5, 1969

Amend page 1, section 1, line 3 of the Senate amendment, after “consent of the”, insert: “official designated by ordinance to perform such functions in the”.