

R.S. 40:36A-1 et seq.

July 16, 1968

LEGISLATIVE HISTORY OF R.S. 40:36A-1 et seq.
(County Sewerage Authorities)

No similar bills introduced in 1945.

COPY NO. 1

L. 1946, Chapter 123 - A5

Introduced March 26 by W.H. Jones.

No statement.

April 9 - Amended in Assembly (Minutes, p. 729ff. enclosed).

April 9 - Passed Assembly.

April 10 - Amended in Senate (Journal, p. 721 enclosed).

April 10 - Passed Senate.

April 11 - Repassed in Assembly.

April 23 - Approved.

No hearings or reports on this legislation were located.

HP/PC



H. 1968 - Chap 368 - A752

not amended during passage

No statement.

ASSEMBLY, No. 952

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 10, 1968

By Assemblymen AZZOLINA, APY, AIKINS and COLEMAN

(Without Reference)

AN ACT relating to the establishment of sewerage districts in counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof, and amending the title and body of chapter 123 of the laws of 1946 and amending the title and body of chapter 389 of the laws of 1953.

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

1 1. The title of chapter 123 of the laws of 1946 is amended to
2 read as follows:

3 AN ACT relating to the establishment of sewerage districts in **[first-**
4 **and second-class]** counties, the creation of Sanitary Sewer Dis-
5 trict Authorities by the establishing of such districts, prescribing
6 the powers and duties of any such authority and of other public
7 bodies in connection with the construction of sewers and sewage
8 disposal facilities in any such district, and providing the ways
9 and means for paying the costs of construction and operation
10 thereof.

1 2. The title of chapter 389 of the laws of 1953 is amended to read
2 as follows:

3 A SUPPLEMENT to "An act relating to the establishment of sewerage
4 districts in **[first- and second-class]** counties, the creation of
5 Sanitary Sewer District Authorities by the establishing of such
6 districts, prescribing the powers and duties of any such author-
7 ity and of other public bodies in connection with the construction
8 of sewers and sewage disposal facilities in any such district, and

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

9 providing the ways and means for paying the costs of construc-
10 tion and operation thereof.”

1 3. Section 1 of chapter 123 of the laws of 1946 (C. 40:36A-1) is
2 amended to read as follows:

3 1. Whenever any river [or], stream *or estuary* flows in, through
4 or along the territory of any [first- or second-class] county and
5 the natural drainage area of such river [or], stream *or estuary*
6 within the county includes the territory of more than one munici-
7 pality in the county and such river [or], stream *or estuary* is sub-
8 ject to pollution to such degree that, in the judgment of the board
9 of chosen freeholders of the county, the pollution thereof is, or is
10 likely to become, a threat to the public health of the communities
11 within such drainage area, the board of chosen freeholders of such
12 county hereby is authorized and empowered to establish, by resolu-
13 tion, a sewerage district for the purpose of protecting such river
14 [or], stream *or estuary* from pollution in the county, which district
15 shall consist of the territory of such municipalities, within the
16 county, lying in whole or in part within the natural drainage area
17 of such river [or], stream *or estuary* within the county, as the
18 board, in its judgment, shall determine to be practical and con-
19 venient to include within such district for such purpose by designa-
20 tion in such resolution, and of the territory of such other munici-
21 palities of the same character as may from time to time thereafter
22 be included in such district by subsequent resolution or resolutions
23 of such board of chosen freeholders. A resolution establishing a
24 sewerage district shall designate an identifying name for such
25 district.

26 Any resolution adopted under the provisions of this act by a
27 board of chosen freeholders shall be entered upon the minutes of
28 said board and a copy of the same, certified by the clerk of the
29 board, under the seal of the county, shall be filed in the office of the
30 county clerk of the county wherein such district is situate and an
31 additional copy so certified shall be filed with the State Department
32 of Health.

1 4. Section 19 of chapter 123 of the laws of 1946 (C. 40:36A-19)
2 is amended to read as follows:

3 19. An authority shall be a body politic and corporate, with
4 perpetual succession as a governmental instrumentality for the
5 purpose, among others, of the protection of the public safety, health
6 and welfare, with power to sue and be sued, to adopt and use a
7 corporate seal, to borrow money or contract debt, to issue nego-
8 tiable bonds, and to provide for the rights of the holders thereof,
9 and with the right, power and authority to acquire, use, hold and

10 dispose of all property, real and personal, and to make and perform
 11 all contracts and do all acts and things and with all other powers
 12 proper or necessary to design, finance, construct, acquire and
 13 operate as hereinafter provided, such a system of trunk, intercept-
 14 ing and outlet sewers, pumping and ventilating stations, treatment
 15 plants and other plants and structures (hereinafter sometimes
 16 referred to as the "district sewer system") as in its judgment
 17 will provide the most effectual and advantageous plan or method
 18 for relieving any river, and its tributaries [and], other streams
 19 *and estuaries*, whether navigable or otherwise, within its sewer
 20 district, from pollution and for preventing pollution of the same,
 21 and for carrying out and effectuating the purposes and plan herein
 22 provided for. The word "sewage" when used in this act shall be
 23 deemed to include industrial wastes and other matter having a
 24 tendency to pollute streams and watercourses when discharged
 25 therein.

1 5. Section 1 of chapter 389 of the laws of 1953 (C. 40:36A-23.1)
 2 is amended to read as follows:

3 1. No sewage or other polluting matter shall be discharged,
 4 directly or indirectly, into the waters of any river [or], stream
 5 *or estuary* or into the waters of any of the tributaries of any such
 6 river or stream, included within the boundaries of any sewerage
 7 district established pursuant to the act to which this act is a supple-
 8 ment, and the Sanitary Sewer District Authority established for
 9 said district may enforce the provisions of this act and of the act
 10 to which this act is a supplement, over and throughout all munici-
 11 palities which may, or the inhabitants of which may, directly or
 12 indirectly, discharge sewage or other polluting matters into said
 13 waters and said authority may institute in its corporate name suits
 14 or proceedings in the nature of suits at law or proceedings in
 15 equity as may be deemed necessary or appropriate to enforce the
 16 provisions of this act, and of the act to which this act is a supple-
 17 ment, and any court of appropriate jurisdiction hereby is vested
 18 with special jurisdiction to enforce said provisions in a summary
 19 manner upon application of the authority.

1 6. Section 33 of chapter 123 of the laws of 1946 (C. 40:36A-33)
 2 is amended to read as follows:

3 33. An authority may negotiate and enter into contracts, in the
 4 form and with the force and effect provided in sections 50, 51, 52
 5 and 53 of this act, with municipalities within its sewer district and
 6 with private sewer companies operating therein and may negotiate
 7 and enter into like contracts with any other municipality or any
 8 private sewer company which may be discharging sewage directly

9 or indirectly into any river [or], its tributaries *or estuary* and
10 which might advantageously use the facilities of a proposed dis-
11 trict sewer system, and may negotiate and enter into like contracts
12 with persons or corporations engaged in public or private industry
13 (herein called "industry" or "industries") within its sewer dis-
14 trict who or which shall be discharging into any river [or], its
15 tributaries *or estuary* any sewage which cannot conveniently be
16 disposed of through the sewer system of any municipality or
17 private sewer company. Nothing in this act shall be construed to
18 prohibit any municipality which has not entered into a contract
19 with an authority, as herein provided, from constructing its own
20 sewerage disposal plant for its own sole use.

1 7. This act shall take effect immediately.