

40:48-2.13

LEGISLATIVE HISTORY CHECKLIST
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(Solid waste--municipalities--ordinances)

NJSA: 40:48-2.13 et al

LAWS OF: 1994 **CHAPTER:** 167

BILL NO: A482

SPONSOR(S): Gibson and LoBiondo

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Local Government
SENATE: Community Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** April 25, 1994
SENATE: November 10, 1994

DATE OF APPROVAL: December 20, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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P.L.1994, CHAPTER 197, approved December 29, 1994
1994 Assembly No. 432

1 **AN ACT** authorizing municipal ordinances concerning the
2 **removal of certain material from dwellings or lands lying**
3 **within municipal limits and supplementing and amending**
4 **P.L.1943, c.71.**
5

6 **BE IT ENACTED** by the Senate and General Assembly of the
7 **State of New Jersey:**

8 1. (New section) The governing body of a municipality may
9 make, enforce, amend and repeal an ordinance requiring the
10 owner or tenant of a dwelling or land located within the
11 municipality, when it is necessary and expedient for the
12 preservation of the public health, safety, or general welfare, to
13 remove from that dwelling or land or to destroy any solid waste
14 stored in such a way that it is accessible to and likely to be
15 strewn about by animals such as but not limited dogs, cats,
16 raccoons, birds, or rodents. The ordinance shall require removal
17 or destruction of the solid waste within a specific period of time
18 which shall be not less than 72 hours or more than 10 days after
19 the owner or tenant has received written notice to that effect.
20 The governing body of a municipality also may provide in the
21 ordinance for the removal or destruction of the solid waste by or
22 under the direction of an officer or code enforcement officer of
23 the municipality when the owner or tenant refuses or neglects to
24 remove or destroy the solid waste in the manner and within the
25 time required by the ordinance, and provide for the imposition of
26 penalties for the violation of the ordinance.

27 2. Section 1 of P.L.1943, c.71 (C.40:48-2.13) is amended to
28 read as follows:

29 1. The governing body of every municipality shall have power
30 to make, enforce, amend and repeal ordinances requiring the
31 owner or tenant of a dwelling or lands lying within the limits of
32 such municipality, where it shall be necessary and expedient for
33 the preservation of the public health, safety, general welfare or
34 to eliminate a fire hazard, to remove from such lands or dwelling
35 or destroy brush, weeds, including ragweed, dead and dying trees,
36 stumps, roots, obnoxious growths, filth, garbage, trash and debris
37 within 10 days after notice to remove or destroy the same, and to
38 provide for the removal or destruction of the same by or under
39 the direction of some officer of the municipality in cases where
40 the owner or tenant shall have refused or neglected to remove or
41 destroy same in the manner and within the time provided above,

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.

1 and to provide for the imposition of penalties for the violation of
2 any such ordinance. For the purposes of this section, garbage
3 shall not include solid waste stored in such a way that it is
4 accessible to and likely to be struck about by animals such as but
5 not limited to dogs, cats, raccoons, birds or rodents pursuant to
6 section 1 of P.L. , c. (C.) (pending before the
7 Legislature as this bill).

8 (cf: P.L.1958, c.94, s.1)

9 3. Section 2 of P.L.1943, c.71 (C.40:48-2.14) is amended to
10 read as follows:

11 2. In all cases where brush, weeds, including ragweed, dead and
12 dying trees, stumps, roots, obnoxious growth, filth, garbage, trash
13 and debris are destroyed or removed from any dwelling or lands
14 under any [such] ordinance adopted pursuant to section 1 of
15 P.L.1943, c.71 (C.40:48-2.13) or section 1 of P.L. , c. (C.)
16 (pending before the Legislature as this bill), by or under the
17 direction of an officer or code enforcement officer of the
18 municipality, such officer or code enforcement officer shall
19 certify the cost thereof to the governing body, which shall
20 examine the certificate, and if found correct shall cause the cost
21 as shown thereon to be charged against said dwelling or la. he
22 amount so charged shall forthwith become a lien upon such
23 dwelling or lands and shall be added to and become and form part
24 of the taxes next to be assessed and levied upon such dwelling or
25 lands, the same to bear interest at the same rate as taxes, and
26 shall be collected and enforced by the same officers and in the
27 same manner as taxes.

28 (cf: P.L.1968, c.94, s.2)

29 4. This act shall take effect immediately.

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34 Authorizes municipal ordinances concerning removal of certain
35 solid waste by property owner or tenant.

1 and to provide for the imposition of penalties for the violation of
2 any such ordinance. For the purposes of this section, garbage
3 shall not include solid waste stored in such a way that it is
4 accessible to and likely to be strewn about by animals such as but
5 not limited to dogs, cats, raccoons, birds or rodents pursuant to
6 section 1 of P.L. _____, c. _____ (C. _____) (pending before the
7 Legislature as this bill).

8 (cf: P.L.1968, c.94, s.1)

9 3. Section 2 of P.L.1943, c.71 (C.40:48-2.14) is amended to
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11 2. In all cases where brush, weeds, including ragweed, dead and
12 dying trees, stumps, roots, obnoxious growth, filth, garbage, trash
13 and debris are destroyed or removed from any dwelling or lands
14 under any [such] ordinance adopted pursuant to section 1 of
15 P.L.1943, c.71 (C.40:48-2.13) or section 1 of P.L. _____, c. _____
16 (pending before the Legislature as this bill), by or under the
17 direction of an officer or code enforcement officer of the
18 municipality, such officer or code enforcement officer shall
19 certify the cost thereof to the governing body, which shall
20 examine the certificate, and if found correct shall cause the cost
21 as shown thereon to be charged against said dwelling or lands; the
22 amount so charged shall forthwith become a lien upon such
23 dwelling or lands and shall be added to and become and form part
24 of the taxes next to be assessed and levied upon such dwelling or
25 lands, the same to bear interest at the same rate as taxes, and
26 shall be collected and enforced by the same officers and in the
27 same manner as taxes.

28 (cf: P.L.1968, c.94, s.2)

29 4. This act shall take effect immediately.

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32 STATEMENT

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34 This bill permits a municipality to adopt an ordinance requiring
35 the owner or tenant of a dwelling or land located within the
36 municipality to remove from the dwelling or land or to destroy
37 any solid waste stored in such a way that it is accessible to and
38 likely to be strewn about by animals, within a specific period of
39 time, which shall be not less than 72 hours or more than 10 days
40 after the owner or tenant has received written notice to remove
41 or destroy the solid waste. The ordinance also may provide for
42 penalties and for the removal of the solid waste by the
43 municipality but at the owner's or tenant's expense if the owner
44 or tenant does not comply in the manner or within the time
45 specified in the notice.

46 For the purpose of the bill, "garbage" does not include solid
47 waste stored in such a way that it is accessible to and likely to be
48 strewn about by animals such as dogs, cats, raccoons, birds or
49 rodents. That class of "garbage" or solid waste could be
50 addressed by a municipality not less than 72 hours or more than
51 10 days after the owner or tenant has received written notice to
52 that effect.

53 The bill is necessary to deal with the problem experienced by
54 many municipalities of solid waste consisting of food scraps that
55 is set out in plastic bags and then strewn around by animals.

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3 Authorizes municipal ordinances concerning removal of certain

4 solid waste by property owner or tenant.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 482

STATE OF NEW JERSEY

DATED: MARCH 7, 1994

The Assembly Local Government Committee reports favorably Assembly Bill No. 482.

Assembly Bill No. 482 permits a municipality to adopt an ordinance requiring the owner or tenant of a dwelling or land located within the municipality to remove from the dwelling or land or to destroy any solid waste stored in such a way that it is accessible to and likely to be strewn about by animals, within a specific period of time, which shall be not less than 72 hours or more than 10 days after the owner or tenant has received written notice to remove or destroy the solid waste. The ordinance also may provide for penalties and for the removal of the solid waste by the municipality but at the owner's or tenant's expense if the owner or tenant does not comply in the manner or within the time specified in the notice.

Under current law, a municipality may adopt an ordinance requiring other types of garbage to be removed within 10 days after notice to remove the garbage has been received.

The bill is necessary to deal with the problem experienced by many municipalities of solid waste consisting of food scraps that is set out in plastic bags and then strewn around by animals. Under the bill, a municipality can require that solid waste that is likely to be strewn about by animals be removed more quickly.

This bill was pre-filed for introduction in the 1994-1995 legislative session. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 482

STATE OF NEW JERSEY

DATED: OCTOBER 13, 1994

The Senate Community Affairs Committee reports favorably on Assembly Bill No. 482.

This bill would permit a municipality to adopt an ordinance requiring the owner or tenant of a dwelling or land located within the municipality to remove from the dwelling or land or to destroy any solid waste stored in such a way that it is accessible to and likely to be strewn about by animals, within a specific period of time, which shall be not less than 72 hours or more than 10 days after the owner or tenant has received written notice to remove or destroy the solid waste. The ordinance also may provide for penalties and for the removal of the solid waste by the municipality but at the owner's or tenant's expense if the owner or tenant does not comply in the manner or within the time specified in the notice.

Under current law, a municipality may adopt an ordinance requiring garbage to be removed within 10 days after notice to remove the garbage has been received.

The sponsor has stated that this bill is necessary to address the problem experienced by many municipalities of solid waste consisting of food scraps that is set out in plastic bags and then strewn around by animals. Under the bill, a municipality can require that solid waste that is likely to be strewn about by animals be removed or destroyed sooner than it can require the removal or destruction of other types of garbage.

This bill is identical to Senate, No. 938, also reported by the committee on October 13, 1994.