

26:3-66

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 26:3-66

(Health
ordinances revise
procedure for
adoption)

LAWS OF: 1991

CHAPTER: 36

Bill No: A881

Sponsor(s): Villapiano

Date Introduced: Pre-filed

Committee: Assembly: Health and Human Services

Senate: County & Municipal

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 14, 1990

Senate: January 14, 1991

Date of Approval: February 25, 1991

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/SLJ

[FIRST REPRINT]
ASSEMBLY, No. 881

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen VILLAPIANO and JACOBSON

1 AN ACT concerning the procedure for adopting health ordinances
2 or codes and amending R.S.26:3-66.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. R.S.26:3-66 is amended to read as follows:

7 26:3-66. No health ordinance or code shall be finally adopted
8 unless ¹[, after being introduced and having passed a first
9 reading, which first reading may be by title,]¹ it shall have been:

10 a. ¹[Read in substantially its final form] Given a first reading,
11 which first reading may be by title,¹ at a meeting held at least
12 one week prior to final passage; ¹[and]¹

13 b. Published in a newspaper published and circulating in the
14 municipality ¹or county¹ for which the local board is organized,
15 and ¹in the case of a municipal board of health,¹ if there be no
16 such newspaper, then in at least one newspaper published and
17 circulating in the county in which the municipality is located, at
18 least two days prior to final passage.

19 The publication shall contain a notice stating the time and
20 place when and where the local board will consider the final
21 passage of the proposed ordinance or code¹;

22 c. Posted on the bulletin board or other place upon which
23 public notices are customarily posted in the building where the
24 local board regularly meets prior to the meeting for final
25 consideration. Copies of the ordinance or code shall be made
26 available to members of the general public of the county upon
27 request; and

28 d. Upon the opening of the meeting for final consideration of
29 the ordinance or code, given a second reading, which reading may
30 be by title. Thereafter, the ordinance may be passed with or
31 without amendments, or rejected.¹

32 (cf: R.S.26:3-66)

33 2. This act shall take effect immediately.

34

35

36

HEALTH

37

38 Changes procedure for adoption of health ordinances or codes.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHH committee amendments adopted April 23, 1990.

LAW LIBRARY COPY
DO NOT REMOVE

ASSEMBLY, No. 881
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman VILLAPIANO

1 AN ACT concerning the procedure for adopting health ordinances
2 or codes and amending R.S.26:3-66.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. R.S.26:3-66 is amended to read as follows:

7 26:3-66. Procedure in enactment of ordinances

8 No health ordinance or code shall be finally adopted unless,
9 after being introduced and having passed a first reading, which
10 first reading may be by title, it shall have been[:

11 a. Read in substantially its final form at a meeting held at
12 least one week prior to final passage; and

13 b. Published] published in a newspaper published and
14 circulating in the municipality for which the local board is
15 organized, and if there be no such newspaper, then in at least one
16 newspaper published and circulating in the county in which the
17 municipality is located, at least two days prior to final passage.

18 The publication shall contain a notice stating the time and
19 place when and where the local board will consider the final
20 passage of the proposed ordinance or code.

21 (cf: R.S.26:3-66)

22 2. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill would allow the first reading of a local health
28 ordinance or code to be by title. Additionally, the bill would
29 eliminate the need for a local board of health to have a proposed
30 health ordinance or code read in substantially its final form at
31 least one week prior to final passage.

32 Currently, under R.S.26:3-66, a health ordinance or code must
33 be read in substantially its final form at a meeting held at least
34 one week prior to final passage. Board of health meetings,
35 however, are generally poorly attended and copies of the
36 ordinances are always made available in advance to board
37 members and at the meeting for the public. In practice,
38 therefore, no actual full reading of the ordinance serves as a

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.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 881

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Assembly Health and Human Services Committee favorably reports Assembly Bill No. 881 with committee amendments.

As amended by the committee, this bill expands and clarifies the procedure for the enactment of health ordinances or codes. The amended bill requires that before an ordinance or code may be adopted, it must be (1) given first reading, which may be by title, at least one week before final passage; (2) published in a local newspaper; (3) posted in the building where the local board of health meets, with copies distributed to the public when requested; and (4) given second reading, which may be by title. The bill imposes upon local boards of health the same requirements as those included in the procedures established for the enactment of other municipal and county ordinances under R.S.40:49-2.

Currently, under R.S.26:3-66, a health ordinance or code must be read in substantially its final form at a meeting held at least one week prior to final passage. Board of health meetings, however, are generally poorly attended and copies of the ordinances are always made available in advance to board members and at the meeting for the public. In practice, therefore, no actual full reading of the ordinance serves as a means of public notice.

By allowing the first reading of a health ordinance or code to be by title, this bill imposes upon local boards of health the same procedure as municipalities are required to follow under R.S.40:49-2 in adopting ordinances.

The committee adopted a technical amendment to clarify the language in the bill regarding the requirement of a municipal board of health to publish the proposed health ordinance in a newspaper in the county in which the municipality is located if there is no newspaper in the municipality.

The committee amendments also provide that:

- the ordinance or code shall be posted on the bulletin board or other place upon which public notices are customarily posted in the building where the local board of health regularly meets prior to the meeting for final consideration, with copies of the ordinance or code to be made available to members of the general public of the county upon request; and
- upon the opening of the board meeting for final consideration of the ordinance or code, the ordinance or code shall be given a second reading, which reading may be by title.

As amended by the committee, this bill is identical to Senate Bill No. 2252 [1R] (Palaia), which is currently pending before the Senate.

This bill was pre-filed for introduction in the 1990-91 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 881

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1990

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 881(1R).

Assembly Bill No. 881(1R) expands and clarifies the procedure for the enactment of health ordinances or codes. This bill requires that before an ordinance or code may be adopted, it must be (1) given first reading, which may be by title, at least one week before final passage; (2) published in a local newspaper; (3) posted in the building where the local board of health meets, with copies distributed to the public when requested; and (4) given second reading, which may be by title. The bill imposes upon local boards of health the same requirements as those included in the procedures established for the enactment of other municipal and county ordinances under R.S.40:49-2.

Currently, under R.S.26:3-66, a health ordinance or code must be read in substantially its final form at a meeting held at least one week prior to final passage. Board of health meetings, however, are generally poorly attended and copies of the ordinances are always made available in advance to board members and at the meeting for the public. In practice, therefore, no actual full reading of the ordinance serves as a means of public notice.

By allowing the first reading of a health ordinance or code to be by title, this bill imposes upon local boards of health the same procedure as municipalities are required to follow under R.S.40:49-2 in adopting ordinances.

The bill also provides that:

- the ordinance or code shall be posted on the bulletin board or other place upon which public notices are customarily posted in the building where the local board of health regularly meets prior to the meeting for final consideration, with copies of the ordinance or code to be made available to members of the general public of the county upon request; and
- upon the opening of the board meeting for final consideration of the ordinance or code, the ordinance or code shall be given a second reading, which reading may be by title.

This bill is identical to Senate Bill No. 2252(1R) (Palaia), which is currently pending before the Senate.