

40A:14-70

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40A:14-70

(Fire districts--
establish
procedures)

LAWS OF: 1991

CHAPTER: 223

Bill No: S2041

Sponsor(s): Laskin

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: No

Date of Passage: Assembly: June 13, 1991

Senate: December 13, 1990

Date of Approval: July 26, 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

1 AN ACT concerning the designation of fire districts and
2 amending N.J.S.40A:14-70.

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

6 1. N.J.S.40A:14-70 is amended to read as follows:
7 40A:14-70. In any municipality not having a paid or part-paid
8 fire department and force, the governing body, upon application
9 of at least 5% of the registered voters or 20 legal voters,
10 whichever is the greater, [by ordinance,] shall consider the
11 designation of a fire district. Upon receipt of the application,
12 the governing body shall fix a time and place for a hearing
13 thereon. The municipal clerk shall advertise the notice of the
14 hearing in a newspaper circulating in the county wherein the
15 municipality is located at least once and not less than 10 days
16 prior to the hearing. After the hearing the governing body shall
17 determine the question of designation of a fire district. If the
18 governing body decides that the designation of a fire district is
19 appropriate, it, by ordinance, shall designate a territorial
20 location or locations for use as a fire district or fire districts
21 and, by resolution, provide for the election of a board of fire
22 commissioners for the district or each district, to consist of five
23 persons, residents therein, and specify the date, time and place
24 for the election of the first board.

25 The district or each district shall be assigned a number and
26 the commissioners thereof and their successors shall be a body
27 corporate, to be known as "the commissioners of fire district
28 No. in (name of municipality), county of
29 (name of county)." The said body corporate shall have
30 the power to acquire, hold, lease, sell or otherwise convey in its
31 corporate name such real and personal property as the purposes
32 of the corporation shall require. All sales and leases of real and
33 personal property shall be in accordance with the provisions of
34 section 13 or 14, as appropriate, of the "Local Lands and
35 Buildings Law," P.L.1971, c.199 (C.40A:12-13 and 40A:12-14).
36 Said body corporate may adopt and use a corporate seal, sue or
37 be sued and shall have such powers, duties and functions as are
38 usual and necessary for said purposes.

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 On the date and at the time and place specified for the
2 election of the first board the clerk of the municipality shall
3 conduct the election and shall preside at the meeting until the
4 board shall have been elected.

5 At the first meeting of a newly elected board of fire
6 commissioners of a district the board shall choose a chairman
7 and fix the place for the annual election. The members of the
8 board shall divide themselves by lot into three classes: the first
9 to consist of two members whose terms shall expire at 12
10 o'clock noon on the first Tuesday in March of the year following
11 the year in which the first board is elected; the second, two
12 members whose terms shall expire at 12 o'clock noon on the
13 first Tuesday in March of the second year following that year;
14 and the third, one member whose term shall expire at 12 o'clock
15 noon on the first Tuesday in March of the third year following
16 that year. The terms of fire commissioners in each class, other
17 than members of the first board, shall expire at 12 o'clock noon
18 on the first Tuesday in March of the third year following the
19 year in which they were elected.

20 Any vacancy in the membership shall be filled by the
21 remaining members until the next succeeding annual election, at
22 which time a resident of the district shall be elected for the
23 unexpired term.

24 (cf: P.L.1985, c.288, s.1)

25 2. This act shall take effect immediately.

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28 LOCAL GOVERNMENT

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30 Establishes procedure for designation of a fire district.

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STATEMENT

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30 This bill requires a municipality to hold a public hearing
31 whenever it receives a petition requesting the designation of a
32 fire district. If the governing body decides, after the hearing,
33 that the designation of a fire district is appropriate, it shall
34 enact an ordinance making the designation and calling for the
35 election of fire district commissioners. Under current law, the
36 governing body is required to designate a fire district when
37 petitioned to do so. This bill provides the same procedure for
38 the designation of a fire district as is presently provided by
39 N.J.S.40A:14-91 for the dissolution of a fire district.

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LOCAL GOVERNMENT

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Establishes procedure for designation of a fire district.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2041

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1991

The Assembly Municipal Government committee favorably reports Senate Bill No. 2041.

Senate Bill No. 2041 requires a municipality to hold a public hearing whenever it receives a petition requesting the designation of a fire district. If the governing body decides, after the hearing, that the designation of a fire district is appropriate, it shall enact an ordinance making the designation and calling for the election of fire district commissioners. Under current law, the governing body is required to designate a fire district when petitioned to do so. This bill provides the same procedure for the designation of a fire district as is presently provided by N.J.S.40A:14-91 for the dissolution of a fire district.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2041

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 2041.

Senate Bill No. 2041 requires a municipality to hold a public hearing whenever it receives a petition requesting the designation of a fire district. If the governing body decides, after the hearing, that the designation of a fire district is appropriate, it shall enact an ordinance making the designation and calling for the election of fire district commissioners. Under current law, the governing body is required to designate a fire district when petitioned to do so. This bill provides the same procedure for the designation of a fire district as is presently provided by N.J.S.40A:14-91 for the dissolution of a fire district.

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