

40:49-4

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40:49-4 (Municipal ordinances--codification)

LAWS OF: 1991 CHAPTER: 362

Bill No: A3210

Sponsor(s): Shinn

Date Introduced: March 12, 1990

Committee: Assembly: Municipal Government

Senate: County & Municipal

Amended during passage: No

Date of Passage: Assembly: June 11, 1990

Senate: December 19, 1991

Date of Approval: January 9, 1992

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/dgw

1 AN ACT concerning the revision and codification of municipal
2 ordinances and amending R.S.40:49-4 and N.J.S.2A:170-81.

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

6 1. R.S.40:49-4 is amended to read as follows:

7 40:49-4. The governing body may provide, from time to time,
8 for the revision and codification of its ordinances. Where there
9 are two or more bodies in any municipality having power to pass
10 ordinances, the body having charge of the finances may provide
11 for the revision and codification of all the ordinances of the
12 municipality.

13 The work of revision and codification shall be done under the
14 direction of the municipal counsel or attorney or some other
15 counsellor-at-law employed by the governing body, which shall
16 have power to provide adequate compensation therefor. Nothing
17 herein shall prevent the governing body from providing that the
18 work of revision and codification be done, under the direction of
19 the municipal counsel or attorney, by any person, partnership or
20 corporation engaged in the business of codifying and revising
21 municipal ordinances. In case the work is done by the counsel or
22 attorney of the municipality, the governing body of the
23 municipality may compensate [him] the counsel or attorney for
24 such work in addition to any salary paid [him]. Such revision and
25 codification of the ordinances when completed shall be submitted
26 to each municipal body having power to pass ordinances. Each
27 such body shall consider the same and make such changes in such
28 revision and codification of its own ordinances, as it shall deem
29 proper, and may then accept and adopt the same.

30 All the provisions of this chapter relating to the adoption,
31 approval and advertising of ordinances, shall apply to the
32 ordinance adopting such compilation and revision, but it shall not
33 be necessary to publish said revised and compiled ordinances prior
34 to or after their adoption as herein provided, or to set forth the
35 same at length in the ordinance by which they are adopted:
36 provided, that such compilation and revision of ordinances is so
37 described in said adopting ordinance as clearly to identify it and
38 the effect of proposed changes be fully explained, and it is stated

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 in said adopting ordinance that a copy of such compilation and
2 revision has been filed in the office of the municipal clerk, there
3 to remain for the use and examination of the public until final
4 action is taken on said adopting ordinance and thereafter while
5 the same shall be in effect, if such ordinance shall be adopted;
6 and provided, that said copy of said compilation and revision of
7 ordinances shall be and remain on file accordingly.

8 Such ordinances, when so revised and codified and finally
9 adopted, shall be reported by the person in charge of the revision
10 to the body in charge of the finances, which shall order the same,
11 or so much thereof as are of a general nature to be published in
12 book form, and when so published and certified to by the seal of
13 the municipality, shall be received in all courts of this State as
14 evidence of the ordinances contained in such compilation and
15 revision as fully as if the original ordinances were produced.
16 Printed copies of such ordinances as so revised and codified shall
17 be made available to citizens.

18 Nothing herein shall operate to repeal any ordinances not
19 included in such revision and codification, except by necessary
20 implication, or those expressly repealed. The governing body may
21 provide for the printing and distribution or sale of its ordinances
22 in book form.

23 There may be included in any printed book of ordinances the
24 charter of the municipality or such of the general laws of the
25 State relating to the municipality as the governing body may
26 direct to be included therein.

27 (cf: P.L.1950, c.232, s.1)

28 2. N.J.S.2A:170-81 is amended to read as follows:

29 2A:170-81. The provisions of this article shall not apply to:

30 a. Any person, partnership or corporation lawfully engaged in
31 the business of searching or insuring titles to real estate, in so far
32 as may relate to the rendering of legal advice or to the
33 preparation and execution of conveyances or other instruments
34 connected with or incidental to the guaranteeing or searching of
35 titles to real estate either by such person, partnership or
36 corporation, or his or its employees; or

37 b. Any person or corporation lawfully exercising trust
38 functions, whether as trustee, executor, administrator, guardian,
39 assignee, receiver or otherwise, in so far as may relate to
40 conveyances or other instruments, excepting wills, connected
41 with or incidental to the creation, execution or discharge of trust
42 functions; or

43 c. Any person, partnership or corporation engaged in the
44 leasing, sale or exchange of real or personal property, or in the
45 loaning of money on mortgages on real or personal property, in so
46 far as may relate to legal documents incidental to any lease,
47 mortgage, sale or exchange; or

48 d. The drawing of deeds, bonds, mortgages, leases, releases,

1 agreements or assignments by a licensed real estate broker or any
2 one employed by him; or

3 e. Any corporation which, prior to July 4, 1924, was engaged in
4 the business of drawing and filing certificates of incorporation or
5 amendments thereto, the drawing of bylaws, and generally the
6 superintending and directing of the proceedings necessary to
7 incorporate and form corporations, in so far as these enumerated
8 powers or businesses are concerned; or

9 f. Any person or corporation furnishing to any person lawfully
10 engaged in the practice of law such information or such clerical
11 assistance in and about his professional work as, except for the
12 provisions of this article, may be lawful, but the lawyer receiving
13 such information or service shall at all times maintain full
14 professional and direct responsibility to his client for the
15 information and service so rendered; [or]

16 g. Any corporation incorporated pursuant to "The Professional
17 Service Corporation Act," approved December 16, 1969,
18 (P.L.1969, c.232) (C.14A:17-1 et seq.), the shareholders of which
19 are licensed to practice law in this State and which is
20 incorporated for the specific purpose of the practice of law; or

21 h. Any person, partnership or corporation engaged in the
22 business of codifying and revising municipal ordinances, in so far
23 as may relate to the rendering of legal advice or to the
24 preparation and execution of such ordinances or other
25 instruments connected with or incidental to such codification and
26 revision.

27 (cf: P.L.1972, c.113, s.1)

28 3. This act shall take effect immediately.

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31 STATEMENT

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33 At present New Jersey law provides that the revision and
34 codification of municipal ordinances shall be done under the
35 direction of the municipal counsel or attorney. It has been
36 suggested that corporations or partnerships which are engaged in
37 the business of codifying and revising municipal ordinances are
38 performing functions without legal authority. This bill would
39 clarify that any person, partnership, or corporation engaged in
40 the business of codifying and revising municipal ordinances is
41 authorized to revise and codify municipal ordinances provided
42 that the work is done under the direction of the municipal counsel
43 or attorney or some other counsellor-at-law employed by the
44 governing body.

45 The bill also provides that any person, partnership, or
46 corporation engaged in the business of codifying and revising
47 municipal ordinances is not engaged in the unauthorized practice
48 of law.

LOCAL GOVERNMENT

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Provides that certain persons are authorized to codify and revise municipal ordinances.

agreements or assignments by a licensed real estate broker or any one employed by him; or

e. Any corporation which, prior to July 4, 1924, was engaged in the business of drawing and filing certificates of incorporation or amendments thereto, the drawing of bylaws, and generally the superintending and directing of the proceedings necessary to incorporate and form corporations, in so far as these enumerated powers or businesses are concerned; or

f. Any person or corporation furnishing to any person lawfully engaged in the practice of law such information or such clerical assistance in and about his professional work as, except for the provisions of this article, may be lawful, but the lawyer receiving such information or service shall at all times maintain full professional and direct responsibility to his client for the information and service so rendered; [or]

g. Any corporation incorporated pursuant to "The Professional Service Corporation Act," approved December 16, 1969, (P.L.1969, c.232) (C.14A:17-1 et seq.), the shareholders of which are licensed to practice law in this State and which is incorporated for the specific purpose of the practice of law; or

h. Any person, partnership or corporation engaged in the business of codifying and revising municipal ordinances, in so far as may relate to the rendering of legal advice or to the preparation and execution of such ordinances or other instruments connected with or incidental to such codification and revision.

(cf: P.L.1972, c.113, s.1)

3. This act shall take effect immediately.

STATEMENT

At present New Jersey law provides that the revision and codification of municipal ordinances shall be done under the direction of the municipal counsel or attorney. It has been suggested that corporations or partnerships which are engaged in the business of codifying and revising municipal ordinances are performing functions without legal authority. This bill would clarify that any person, partnership, or corporation engaged in the business of codifying and revising municipal ordinances is authorized to revise and codify municipal ordinances provided that the work is done under the direction of the municipal counsel or attorney or some other counsellor-at-law employed by the governing body.

The bill also provides that any person, partnership, or corporation engaged in the business of codifying and revising municipal ordinances is not engaged in the unauthorized practice of law.

A3210

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LOCAL GOVERNMENT

Provides that certain persons are authorized to codify and revise municipal ordinances.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3210

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Assembly Municipal Government committee favorably reports Assembly Bill No. 3210.

At present New Jersey law provides that the revision and codification of municipal ordinances shall be done under the direction of the municipal counsel or attorney. It has been suggested that corporations or partnerships which are engaged in the business of codifying and revising municipal ordinances are performing functions without legal authority. This bill would clarify that any person, partnership, or corporation engaged in the business of codifying and revising municipal ordinances is authorized to revise and codify municipal ordinances provided that the work is done under the direction of the municipal counsel or attorney or some other counsellor-at-law employed by the governing body.

The bill also provides that any person, partnership, or corporation engaged in the business of codifying and revising municipal ordinances is not engaged in the unauthorized practice of law.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3210

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1990

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 3210.

Assembly Bill No. 3210 provides that any person, partnership, or corporation engaged in the business of codifying and revising municipal ordinances is authorized to revise and codify municipal ordinances provided that the work is done under the direction of the municipal counsel or attorney or some other counsellor-at-law employed by the governing body. At present the revision and codification of municipal ordinances are performed under the direction of the municipal counsel or attorney. It has been suggested that corporations or partnerships which are engaged in the business of codifying and revising municipal ordinances are performing functions without legal authority.

Also, the bill provides that any person, partnership, or corporation engaged in the business of codifying and revising municipal ordinances is not engaged in the unauthorized practice of law.

This bill is identical to Senate Bill No. 2479, also reported by the committee on October 15, 1990.