

40: 14B-61

LEGISLATIVE HISTORY CHECKLIST

(Utility authorities--county and municipal--act upon developer's plans within 90 days of submission)

WJSA 40:14B-61

LAWS OF 1979

CHAPTER 418

Bill No. A1680

Sponsor(s) Schuck and Rand

Date Introduced Oct. 5, 1978

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes ~~xx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Feb. 26, 1979

Senate Dec. 17, 1979

Date of approval Feb. 8, 1980

Following statements are attached if available:

Sponsor statement	Yes	xx	(Below) Senate amendments of 12-6-79, with statement (attached)
Committee Statement: Assembly	Yes	xx	
Senate	Yes	xx	
Fiscal Note	Yes	No	
Veto message	Yes	No	
Message on signing	Yes	No	
Following were printed:			
Reports	Yes	No	
hearings	Yes	No	

DO NOT REMOVE FROM FILE COPY COPY

Sponsor's statement:

This bill amends the county and municipal utilities law to require such authority to act upon developer's and others plans and specifications for ts and facilities within its district within 45 days of submission thereof.

2-8-80

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1680

STATE OF NEW JERSEY

INTRODUCED OCTOBER 5, 1978

By Assemblymen SCHUCK and RAND

Referred to Committee on Municipal Government

AN ACT to amend the "municipal and county utilities authority law," P. L. 1957, c. 183, as the short title thereof was amended by P. L. 1977, c. 384, s. 2.

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

1 1. Section 61 of P. L. 1957, c. 183 (C. 40:14B-61) is amended to
2 read as follows:

3 61. No sewage disposal plant or other facilities for the collection,
4 treatment or disposal of sewage ****[or solid waste]**** arising within
5 a district shall be constructed unless the municipal authority shall
6 give its consent thereto and approve the plans and specifications
7 therefor. No facilities for the distribution of water within a district
8 shall be constructed unless the municipal authority shall give its
9 consent thereto and approve the plans and specifications therefor.
10 Each municipal authority is hereby empowered to give any such
11 consent and approval, subject, however, to the terms and provisions
12 of any agreement with the holders of bonds. **Upon submission to*
13 *the authority of a complete application for approval of such a plant*
14 *or facilities, the authority shall approve or disapprove the appli-*
15 *cation within ****[45]**** ****90**** days of the date of its submission, but*
16 *the authority may extend the time for a period not to exceed 30 days*
17 *by adoption of a resolution therefor. As used in this section, "com-*
18 *plete application" means an application form completed as specified*
19 *by resolution and the rules and regulations of the authority, and the*
20 *accompanying documents, plans and specifications required by*
21 *resolution for approval of the plant or facilities. An application*
22 *shall be certified as complete, for the purposes of the commence-*
23 *ment of the time for action by the authority, immediately upon the*
24 *meeting of the requirements specified in the resolution and the rules*

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

25 *and regulations of the authority.* Failure of a municipal authority*
26 *to approve or disapprove plans and specifications submitted pursu-*
27 *ant to this section within ***[45 days of submission thereof]*** *such*
28 *time*, shall constitute approval thereof and consent of the authority*
29 *to construction of the plant or facilities.*

1 2. This act shall take effect immediately.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1680

STATE OF NEW JERSEY

DATED: JANUARY 22, 1979

Assembly Bill No. 1680 requires a municipality to act upon proposals for construction of sewage, solid waste, or water distribution facility plans within 45 days. Failure to act within that time shall constitute approval of said plans.

The "Municipal and County Utilities Authority Law" (P. L. 1957, c. 183) sets no limit on the time a municipality shall take to approve or disapprove plans for the above projects.

The committee believes that municipalities ought to be subject to reasonable time constraint in such matters, particularly as the construction of such facilities must also be approved by the Department of Environmental Protection.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1680

STATE OF NEW JERSEY

DATED: JUNE 14, 1979

The Senate committee includes herein the Assembly committee statement for the purposes of establishing legislative intent:

“Assembly Bill No. 1680 requires a municipality to act upon proposals for construction of sewage, solid waste, or water distribution facility plans within 45 days. Failure to act within that time shall constitute approval of said plans.

The “Municipal and County Utilities Authority Law” (P. L. 1957, c. 183) sets no limit on the time a municipality shall take to approve or disapprove plans for the above projects.

The committee believes that municipalities ought to be subject to reasonable time constraint in such matters, particularly as the construction of such facilities must also be approved by the Department of Environmental Protection.”

The Senate committee agreed with the Assembly committee statement that authorities ought to be subject to reasonable time constraint in such matters, and noted that the 45 day period is the same as that now required for action on site plans and major subdivision applications under the “Municipal Land Use Law,” for developments involving 10 acres or less. However, such period may be extended for “such further time as may be consented to by the developer.” As in Assembly Bill No. 1680, failure to act within such period results in approval of the application.

The Senate committee also noted, however, that the approval required under N. J. S. A. 40:14B-61 is not a substitute for, and may well not involve the same considerations as, the approval required for site plans under the “Municipal Land Use Law.” A developer proposing construction of a sewage, solid waste, or water distribution facility would still be required to submit site plans to the municipal planning board for review for compliance with land use regulations. Such a review is not the purpose of N. J. S. A. 40:14B-61. Rather, the purpose is to grant a municipal utilities authority exclusive jurisdiction within its district with respect to the construction, operation and financing

of sewage, solid waste and water distribution facilities, except as it may consent otherwise. Thus, the authority in approving or disapproving plans for such facilities would be concerned with:

- a. preserving the integrity of the district; and,
- b. protecting its agreements with, and the rights of, its bondholders.

In light of these considerations, the Senate committee amended the bill to:

1. Provide the time period for authority approval or disapproval of a facility or plant shall run from the time of submission of a "complete application." The language is based on the proposed revisions to the "Municipal Land Use Law" (Senate Bill No. 1125); and,

2. Provide that the authority may by resolution, extend the 45 day period for a time not to exceed 30 days. This change would allow the authority to carry over consideration of an application to another regular monthly meeting, if it proves to be impossible to complete action at the first monthly meeting following submission.

SENATE AMENDMENTS TO
ASSEMBLY, No. 1680
[SENATE REPRINT]

STATE OF NEW JERSEY

ADOPTED DECEMBER 6, 1979

Amend page 1, section 1, line 4, omit "or solid waste".

Amend page 1, section 1, line 15, omit "45", insert "90".

STATEMENT

These amendments eliminate the proposed extension of municipal utilities authority jurisdiction to solid waste facilities, and require such an authority to approve or disapprove an application for a sewerage facility within the same 90 day period required for DEP approvals.