

Bill and Sponsors Statement identical to S463

COMMITTEE STATEMENT:	ASSEMBLY:	Yes
	SENATE:	No
FLOOR AMENDMENT STATEMENT:		No
LEGISLATIVE FISCAL ESTIMATE:		No
VETO MESSAGE:		No
GOVERNOR'S PRESS RELEASE ON SIGNING:		Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

SENATE, No. 463

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Prohibits use of non-fence materials to mark property boundaries unless such material is visible to certain persons; makes violation a crime of fourth degree.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S463 SINGER

2

1 AN ACT concerning the marking of property boundaries, amending
2 R.S.40:48-1 and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

8 1. R.S.40:48-1 is amended to read as follows:

9 40:48-1. The governing body of every municipality may make,
10 amend, repeal and enforce ordinances to:

11 Finances and property. 1. Manage, regulate and control the
12 finances and property, real and personal, of the municipality;

13 Contracts and contractor's bonds. 2. Prescribe the form and
14 manner of execution and approval of all contracts to be executed by
15 the municipality and of all bonds to be given to it;

16 Officers and employees; duties, terms and salaries. 3. Prescribe
17 and define, except as otherwise provided by law, the duties and terms
18 of office or employment, of all officers and employees; and to
19 provide for the employment and compensation of such officials and
20 employees, in addition to those provided for by statute, as may be
21 deemed necessary for the efficient conduct of the affairs of the
22 municipality;

23 Fees. 4. Fix the fees of any officer or employee of the municipality
24 for any service rendered in connection with his office or position, for
25 which no specific fee or compensation is provided. In the case of
26 salaried officers or employees, such fee shall be paid into the municipal
27 treasury;

28 Salaries instead of fees; disposition of fees. 5. Provide that any
29 officer or employee receiving compensation for his services, in whole
30 or in part by fees, whether paid by the municipality or otherwise, shall
31 be paid a salary to be fixed in the ordinance, and thereafter all fees
32 received by such officer or employee shall be paid into the municipal
33 treasury;

34 Maintain order. 6. Prevent vice, drunkenness and immorality; to
35 preserve the public peace and order; to prevent and quell riots,
36 disturbances and disorderly assemblages;

37 Punish beggars; prevention of loitering. 7. Restrain and punish
38 drunkards, vagrants, mendicants and street beggars; to prevent
39 loitering, lounging or sleeping in the streets, parks or public places;

40 Auctions and noises. 8. Regulate the ringing of bells and the
41 crying of goods and other commodities for sale at auction or
42 otherwise, and to prevent disturbing noises;

43 Swimming; bathing costume. 9. Regulate or prohibit swimming

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

Matter underlined thus is new matter.

1 or bathing in the waters of, in, or bounding the municipality, and to
2 regulate or prohibit persons from appearing upon the public streets,
3 parks and places clad in bathing costumes or robes, or costumes of a
4 similar character;

5 Prohibit annoyance of persons or animals. 10. Regulate or prohibit
6 any practice tending to frighten animals, or to annoy or injure persons
7 in the public streets;

8 Animals; pounds; establishment and regulation. 11. Establish and
9 regulate one or more pounds, and to prohibit or regulate the running
10 at large of horses, cattle, dogs, swine, goats and other animals, and to
11 authorize their impounding and sale for the penalty incurred, and the
12 costs of impounding, keeping and sale; to regulate or prohibit the
13 keeping of cattle, goats or swine in any part of the municipality; to
14 authorize the destruction of dogs running at large therein;

15 Hucksters. 12. Prescribe and regulate the place of vending or
16 exposing for sale articles of merchandise from vehicles;

17 Building regulations; wooden structures. 13. Regulate and control
18 the construction, erection, alteration and repair of buildings and
19 structures of every kind within the municipality; and to prohibit,
20 within certain limits, the construction, erection or alteration of
21 buildings or structures of wood or other combustible material;

22 Inflammable materials; inspect docks and buildings. 14. Regulate
23 the use, storage, sale and disposal of inflammable or combustible
24 materials, and to provide for the protection of life and property from
25 fire, explosions and other dangers; o provide for inspections of
26 buildings, docks, wharves, warehouses and other places, and of goods
27 and materials contained therein, to secure the proper enforcement of
28 such ordinance;

29 Dangerous structures; removal or destruction; procedure. 15.
30 Provide for the removal or destruction of any building, wall or
31 structure which is or may become dangerous to life or health, or might
32 tend to extend a conflagration; and to assess the cost thereof as a
33 municipal lien against the premises;

34 Chimneys and boilers. 16. Regulate the construction and setting
35 up of chimneys, furnaces, stoves, boilers, ovens and other
36 contrivances in which fire is used;

37 Explosives. 17. Regulate, in conformity with the statutes of this
38 State, the manufacture, storage, sale, keeping or conveying of
39 gunpowder, nitroglycerine, dynamite and other explosives;

40 Firearms and fireworks. 18. Regulate and prohibit the sale and use
41 of guns, pistols, firearms, and fireworks of all descriptions;

42 Soft coal. 19. Regulate the use of soft coal in locomotives,
43 factories, power houses and other places;

44 Theatres, schools, churches and public places. 20. Regulate the
45 use of theatres, cinema houses, public halls, schools, churches, and
46 other places where numbers of people assemble, and the exits

1 therefrom, so that escape therefrom may be easily and safely made in
2 case of fire or panic; and to regulate any machinery, scenery, lights,
3 wires and other apparatus, equipment or appliances used in all places
4 of public amusement;

5 Excavations. 21. Regulate excavations below the established grade
6 or curb line of any street, not greater than eight feet, which the owner
7 of any land may make, in the erection of any building upon his own
8 property; and to provide for the giving of notice, in writing, of such
9 intended excavation to any adjoining owner or owners, and that they
10 will be required to protect and care for their several foundation walls
11 that may be endangered by such excavation; and to provide that in
12 case of the neglect or refusal, for 10 days, of such adjoining owner or
13 owners to take proper action to secure and protect the foundations of
14 any adjacent building or other structure, that the party or parties
15 giving such notice, or their agents, contractors or employees, may
16 enter into and upon such adjoining property and do all necessary work
17 to make such foundations secure, and may recover the cost of such
18 work and labor in so protecting such adjacent property; and to make
19 such further and other provisions in relation to the proper conduct and
20 performance of said work as the governing body or board of the
21 municipality may deem necessary and proper;

22 Sample medicines. 22. Regulate and prohibit the distribution,
23 depositing or leaving on the public streets or highways, public places
24 or private property, or at any private place or places within any such
25 municipality, and medicine, medicinal preparation or preparations
26 represented to cure ailments or diseases of the body or mind, or any
27 samples thereof, or any advertisements or circulars relating thereto,
28 but no ordinance shall prohibit a delivery of any such article to any
29 person above the age of 12 years willing to receive the same;

30 Boating. 23. Regulate the use of motor and other boats upon
31 waters within or bounding the municipality;

32 Fire escapes. 24. Provide for the erection of fire escapes on
33 buildings in the municipality, and to provide rules and regulations
34 concerning the construction and maintenance of the same, and for the
35 prevention of any obstruction thereof or thereon;

36 Care of injured employees. 25. Provide for the payment of
37 compensation and for medical attendance to any officer or employee
38 of the municipality injured in the performance of his duty;

39 Bulkheads and other structures. 26. Fix and determine the lines of
40 bulkheads or other works or structures to be erected, constructed or
41 maintained by the owners of lands facing upon any navigable water in
42 front of their lands, and in front of or along any highway or public
43 lands of said municipality, and to designate the materials to be used,
44 and the type, height and dimensions thereof;

45 Lifeguard. 27. Establish, maintain, regulate and control a lifeguard
46 upon any beach within or bordering on the municipality;

1 Appropriation for life-saving apparatus. 28. Appropriate moneys
2 to safeguard people from drowning within its borders, by location of
3 apparatus or conduct of educational work in harmony with the plans
4 of the United States volunteer life-saving corps in this State;

5 Fences. 29. Regulate the size, height and dimensions of any fences
6 between the lands of adjoining owners, whether built or erected as
7 division or partition fences between such lands, and whether the same
8 exist or be erected entirely or only [party] partly upon the lands of any
9 such adjoining owners, or along or immediately adjacent to any
10 division or partition line of such lands. To provide, in such ordinance,
11 the manner of securing, fastening or shoring such fences, and to
12 prohibit in any such ordinance the use at a height of under 10 feet from
13 the ground, of any device, such as wire or cable, that would be
14 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-
15 road vehicles, unless that device is clearly visible to pedestrians,
16 equestrians, bicyclists or drivers of off-the-road vehicles. In the case
17 of fences thereafter erected contrary to the provisions thereof, the
18 governing body may provide for a penalty for the violation of such
19 ordinance, and in the case of such fence or fences erected or existing
20 at the time of the passage of any such ordinance, may provide therein
21 for the removal, change or alteration thereof, so as to make such
22 fence or fences comply with the provisions of any such ordinance;

23 Advertise municipality. 30. Appropriate funds for advertising the
24 advantages of the municipality.

25 (cf: P.L.1979, c.43, s.1)

26
27 2. (New section) A person who uses any type of device, including
28 but not limited to wire or cable, that is not a fence but is installed at
29 a height under 10 feet from the ground, to indicate boundary lines or
30 otherwise to divide, partition or segregate portions of real property,
31 if the device is not readily visible or marked in such a way as to make
32 it readily visible to persons who are pedestrians, equestrians, bicyclists
33 or drivers of off-the-road vehicles and poses a risk of causing
34 significant bodily injury to such persons, shall be guilty of a crime of
35 the fourth degree.

36
37 3. This act shall take effect immediately.

38
39
40 STATEMENT

41
42 This bill designates as a crime of the fourth degree the use by a
43 person of any type of device, including but not limited to wire or
44 cable, that is not a fence but is installed at a height under 10 feet from
45 the ground, to indicate the boundary lines or otherwise to divide,
46 partition or segregate portions of real property if the device used is not

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1 readily visible or marked in such a way as to make it readily visible to
2 persons who are pedestrians, equestrians, bicyclists or drivers of any
3 other off-road vehicles and poses a risk of causing significant bodily
4 injury to such persons. The bill also requires that any ordinance
5 regulating fences shall prohibit the use of any type of other device,
6 such as wire or cable, at a height under 10 feet from the ground, unless
7 that device is clearly visible to pedestrians, equestrians, bicyclists or
8 drivers of any other off-the-road vehicles.

SENATE, No. 463

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Prohibits use of non-fence materials to mark property boundaries unless such material is visible to certain persons; makes violation a crime of fourth degree.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



S463 SINGER

2

1 AN ACT concerning the marking of property boundaries, amending
2 R.S.40:48-1 and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

8 1. R.S.40:48-1 is amended to read as follows:

9 40:48-1. The governing body of every municipality may make,
10 amend, repeal and enforce ordinances to:

11 Finances and property. 1. Manage, regulate and control the
12 finances and property, real and personal, of the municipality;

13 Contracts and contractor's bonds. 2. Prescribe the form and
14 manner of execution and approval of all contracts to be executed by
15 the municipality and of all bonds to be given to it;

16 Officers and employees; duties, terms and salaries. 3. Prescribe
17 and define, except as otherwise provided by law, the duties and terms
18 of office or employment, of all officers and employees; and to
19 provide for the employment and compensation of such officials and
20 employees, in addition to those provided for by statute, as may be
21 deemed necessary for the efficient conduct of the affairs of the
22 municipality;

23 Fees. 4. Fix the fees of any officer or employee of the municipality
24 for any service rendered in connection with his office or position, for
25 which no specific fee or compensation is provided. In the case of
26 salaried officers or employees, such fee shall be paid into the municipal
27 treasury;

28 Salaries instead of fees; disposition of fees. 5. Provide that any
29 officer or employee receiving compensation for his services, in whole
30 or in part by fees, whether paid by the municipality or otherwise, shall
31 be paid a salary to be fixed in the ordinance, and thereafter all fees
32 received by such officer or employee shall be paid into the municipal
33 treasury;

34 Maintain order. 6. Prevent vice, drunkenness and immorality; to
35 preserve the public peace and order; to prevent and quell riots,
36 disturbances and disorderly assemblages;

37 Punish beggars; prevention of loitering. 7. Restrain and punish
38 drunkards, vagrants, mendicants and street beggars; to prevent
39 loitering, lounging or sleeping in the streets, parks or public places;

40 Auctions and noises. 8. Regulate the ringing of bells and the
41 crying of goods and other commodities for sale at auction or
42 otherwise, and to prevent disturbing noises;

43 Swimming; bathing costume; prohibition of public nudity. 9.

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

Matter underlined thus is new matter.

1 Regulate or prohibit swimming or bathing in the waters of, in, or
2 bounding the municipality, and to regulate or prohibit persons from
3 appearing upon the public streets, parks and places clad in bathing
4 costumes or robes, or costumes of a similar character; regulate or
5 prohibit persons from appearing upon State-owned lands within its
6 borders in a state of nudity;

7 Prohibit annoyance of persons or animals. 10. Regulate or prohibit
8 any practice tending to frighten animals, or to annoy or injure persons
9 in the public streets;

10 Animals; pounds; establishment and regulation. 11. Establish and
11 regulate one or more pounds, and to prohibit or regulate the running
12 at large of horses, cattle, dogs, swine, goats and other animals, and to
13 authorize their impounding and sale for the penalty incurred, and the
14 costs of impounding, keeping and sale; to regulate or prohibit the
15 keeping of cattle, goats or swine in any part of the municipality; to
16 authorize the destruction of dogs running at large therein;

17 Hucksters. 12. Prescribe and regulate the place of vending or
18 exposing for sale articles of merchandise from vehicles;

19 Building regulations; wooden structures. 13. Regulate and control
20 the construction, erection, alteration and repair of buildings and
21 structures of every kind within the municipality; and to prohibit,
22 within certain limits, the construction, erection or alteration of
23 buildings or structures of wood or other combustible material;

24 Inflammable materials; inspect docks and buildings. 14. Regulate
25 the use, storage, sale and disposal of inflammable or combustible
26 materials, and to provide for the protection of life and property from
27 fire, explosions and other dangers; o provide for inspections of
28 buildings, docks, wharves, warehouses and other places, and of goods
29 and materials contained therein, to secure the proper enforcement of
30 such ordinance;

31 Dangerous structures; removal or destruction; procedure. 15.
32 Provide for the removal or destruction of any building, wall or
33 structure which is or may become dangerous to life or health, or might
34 tend to extend a conflagration; and to assess the cost thereof as a
35 municipal lien against the premises;

36 Chimneys and boilers. 16. Regulate the construction and setting
37 up of chimneys, furnaces, stoves, boilers, ovens and other contrivances
38 in which fire is used;

39 Explosives. 17. Regulate, in conformity with the statutes of this
40 State, the manufacture, storage, sale, keeping or conveying of
41 gunpowder, nitroglycerine, dynamite and other explosives;

42 Firearms and fireworks. 18. Regulate and prohibit the sale and use
43 of guns, pistols, firearms, and fireworks of all descriptions;

44 Soft coal. 19. Regulate the use of soft coal in locomotives,
45 factories, power houses and other places;

46 Theatres, schools, churches and public places. 20. Regulate the

1 use of theatres, cinema houses, public halls, schools, churches, and
2 other places where numbers of people assemble, and the exits
3 therefrom, so that escape therefrom may be easily and safely made in
4 case of fire or panic; and to regulate any machinery, scenery, lights,
5 wires and other apparatus, equipment or appliances used in all places
6 of public amusement;

7 Excavations. 21. Regulate excavations below the established grade
8 or curb line of any street, not greater than eight feet, which the owner
9 of any land may make, in the erection of any building upon his own
10 property; and to provide for the giving of notice, in writing, of such
11 intended excavation to any adjoining owner or owners, and that they
12 will be required to protect and care for their several foundation walls
13 that may be endangered by such excavation; and to provide that in
14 case of the neglect or refusal, for 10 days, of such adjoining owner or
15 owners to take proper action to secure and protect the foundations of
16 any adjacent building or other structure, that the party or parties
17 giving such notice, or their agents, contractors or employees, may
18 enter into and upon such adjoining property and do all necessary work
19 to make such foundations secure, and may recover the cost of such
20 work and labor in so protecting such adjacent property; and to make
21 such further and other provisions in relation to the proper conduct and
22 performance of said work as the governing body or board of the
23 municipality may deem necessary and proper;

24 Sample medicines. 22. Regulate and prohibit the distribution,
25 depositing or leaving on the public streets or highways, public places
26 or private property, or at any private place or places within any such
27 municipality, and medicine, medicinal preparation or preparations
28 represented to cure ailments or diseases of the body or mind, or any
29 samples thereof, or any advertisements or circulars relating thereto,
30 but no ordinance shall prohibit a delivery of any such article to any
31 person above the age of 12 years willing to receive the same;

32 Boating. 23. Regulate the use of motor and other boats upon
33 waters within or bounding the municipality;

34 Fire escapes. 24. Provide for the erection of fire escapes on
35 buildings in the municipality, and to provide rules and regulations
36 concerning the construction and maintenance of the same, and for the
37 prevention of any obstruction thereof or thereon;

38 Care of injured employees. 25. Provide for the payment of
39 compensation and for medical attendance to any officer or employee
40 of the municipality injured in the performance of his duty;

41 Bulkheads and other structures. 26. Fix and determine the lines of
42 bulkheads or other works or structures to be erected, constructed or
43 maintained by the owners of lands facing upon any navigable water in
44 front of their lands, and in front of or along any highway or public
45 lands of said municipality, and to designate the materials to be used,
46 and the type, height and dimensions thereof;

1 Lifeguard. 27. Establish, maintain, regulate and control a lifeguard
2 upon any beach within or bordering on the municipality;

3 Appropriation for life-saving apparatus. 28. Appropriate moneys
4 to safeguard people from drowning within its borders, by location of
5 apparatus or conduct of educational work in harmony with the plans
6 of the United States volunteer life-saving corps in this State;

7 Fences. 29. Regulate the size, height and dimensions of any fences
8 between the lands of adjoining owners, whether built or erected as
9 division or partition fences between such lands, and whether the same
10 exist or be erected entirely or only [party] partly upon the lands of any
11 such adjoining owners, or along or immediately adjacent to any
12 division or partition line of such lands. To provide, in such ordinance,
13 the manner of securing, fastening or shoring such fences, and to
14 prohibit in any such ordinance the use at a height of under 10 feet from
15 the ground, of any device, such as wire or cable, that would be
16 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-
17 road vehicles, unless that device is clearly visible to pedestrians,
18 equestrians, bicyclists or drivers of off-the-road vehicles. In the case
19 of fences thereafter erected contrary to the provisions thereof, the
20 governing body may provide for a penalty for the violation of such
21 ordinance, and in the case of such fence or fences erected or existing
22 at the time of the passage of any such ordinance, may provide therein
23 for the removal, change or alteration thereof, so as to make such
24 fence or fences comply with the provisions of any such ordinance;

25 Advertise municipality. 30. Appropriate funds for advertising the
26 advantages of the municipality;

27 Government Energy Aggregation Programs. 31. Establish
28 programs and procedures pursuant to which the municipality may act
29 as a government aggregator pursuant to sections 40 through 45 of
30 P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the
31 provisions of any other law, rule or regulation to the contrary, a
32 municipality acting as a government aggregator pursuant to P.L.1999,
33 c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility
34 pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be
35 operating any form of public utility service pursuant to R.S.40:62-1 et
36 seq., to the extent such municipality is solely engaged in the provision
37 of such aggregation service and not otherwise owning or operating any
38 plant or facility for the production or distribution of gas, electricity,
39 steam or other product as provided in R.S.40:62-12.

40 (cf: P.L.1999, c.141, s.1)

41
42 2. (New section) A person who uses any type of device, including
43 but not limited to wire or cable, that is not a fence but is installed at
44 a height under 10 feet from the ground, to indicate boundary lines or
45 otherwise to divide, partition or segregate portions of real property,
46 if the device is not readily visible or marked in such a way as to make

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1 it readily visible to persons who are pedestrians, equestrians, bicyclists
2 or drivers of off-the-road vehicles and poses a risk of causing
3 significant bodily injury to such persons, shall be guilty of a crime of
4 the fourth degree.

5

6 3. This act shall take effect immediately.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 463

STATE OF NEW JERSEY

DATED: JANUARY 31, 2000

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 463.

This bill would designate as a crime of the fourth degree the use by a person of any type of device, including but not limited to wire or cable, that is not a fence but is installed at a height under 10 feet from the ground, to indicate the boundary lines or otherwise to divide, partition or segregate portions of real property if the device used is not readily visible or marked in such a way as to make it readily visible to persons who are pedestrians, equestrians, bicyclists or drivers of any other off-road vehicles and poses a risk of causing significant bodily injury to such persons. Additionally, the bill would require that any ordinance regulating fences shall prohibit the use of any type of other device, such as wire or cable, at a height under 10 feet from the ground, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of any other off-the-road vehicles.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 463

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 12, 2000

The Assembly Local Government Committee reports favorably and with committee amendments Senate Bill No. 463.

This bill would designate as a crime of the fourth degree the use by a person of any type of device, including but not limited to wire or cable, that is not a fence but is installed at a height under 10 feet from the ground, to indicate the boundary lines or otherwise to divide, partition or segregate portions of real property if the device used is not readily visible or marked in such a way as to make it readily visible to persons who are pedestrians, equestrians, bicyclists or drivers of any other off-road vehicles and poses a risk of causing significant bodily injury to such persons. Additionally, the bill would require that any ordinance regulating fences shall prohibit the use of any type of other device, such as wire or cable, at a height under 10 feet from the ground, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of any other off-the-road vehicles. The committee amended the bill to clarify that marking devices used by licensed surveyors would be exempt from any fence regulations adopted by a municipality. The committee also amended section 1 of the bill to bring it current to the latest version of the law, in order to reflect two different changes to that section of law since the bill was reported by the Senate Community and Urban Affairs Committee.

As amended, this bill is identical to Assembly, No. 2064, also amended and released from committee this day.

[First Reprint]
SENATE, No. 463

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

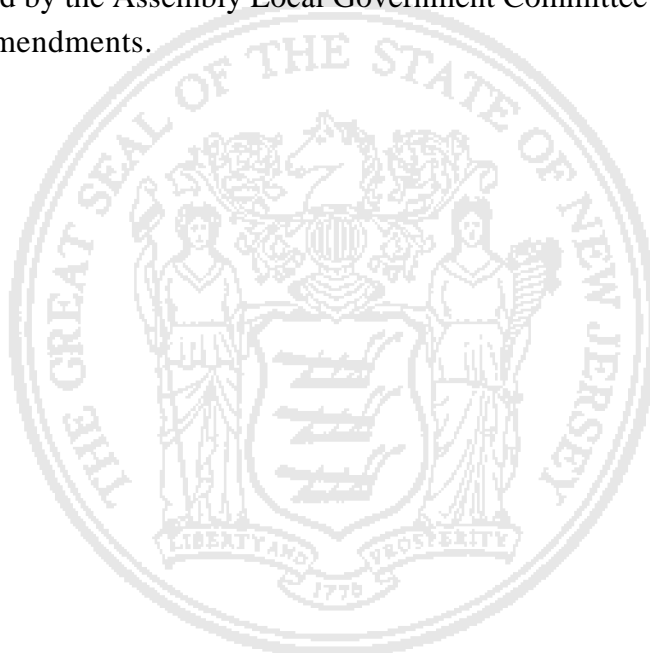
Assemblymen Cottrell and Malone

SYNOPSIS

Prohibits use of non-fence materials to mark property boundaries unless such material is visible to certain persons; makes violation a crime of fourth degree.

CURRENT VERSION OF TEXT

As reported by the Assembly Local Government Committee on October 12, 2000, with amendments.



(Sponsorship Updated As Of: 11/21/2000)

S463 [1R] SINGER

2

1 AN ACT concerning the marking of property boundaries, amending
2 R.S.40:48-1 and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

8 1. R.S.40:48-1 is amended to read as follows:

9 40:48-1. ¹Ordinances; general purpose.¹ The governing body of
10 every municipality may make, amend, repeal and enforce ordinances
11 to:

12 Finances and property. 1. Manage, regulate and control the
13 finances and property, real and personal, of the municipality;

14 Contracts and contractor's bonds. 2. Prescribe the form and
15 manner of execution and approval of all contracts to be executed by
16 the municipality and of all bonds to be given to it;

17 Officers and employees; duties, terms and salaries. 3. Prescribe
18 and define, except as otherwise provided by law, the duties and terms
19 of office or employment, of all officers and employees; and to
20 provide for the employment and compensation of such officials and
21 employees, in addition to those provided for by statute, as may be
22 deemed necessary for the efficient conduct of the affairs of the
23 municipality;

24 Fees. 4. Fix the fees of any officer or employee of the municipality
25 for any service rendered in connection with his office or position, for
26 which no specific fee or compensation is provided. In the case of
27 salaried officers or employees, such fee shall be paid into the municipal
28 treasury;

29 Salaries instead of fees; disposition of fees. 5. Provide that any
30 officer or employee receiving compensation for his services, in whole
31 or in part by fees, whether paid by the municipality or otherwise, shall
32 be paid a salary to be fixed in the ordinance, and thereafter all fees
33 received by such officer or employee shall be paid into the municipal
34 treasury;

35 Maintain order. 6. Prevent vice, drunkenness and immorality; to
36 preserve the public peace and order; to prevent and quell riots,
37 disturbances and disorderly assemblages ¹; to prohibit the consumption
38 of alcoholic beverages by underage persons on private property
39 pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2)¹;

40 Punish beggars; prevention of loitering. 7. Restrain and punish
41 drunkards, vagrants, mendicants and street beggars; to prevent
42 loitering, lounging or sleeping in the streets, parks or public places;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 ALG committee amendments adopted October 12, 2000.

1 Auctions and noises. 8. Regulate the ringing of bells and the
2 crying of goods and other commodities for sale at auction or
3 otherwise, and to prevent disturbing noises;

4 Swimming; bathing costume; prohibition of public nudity. 9.
5 Regulate or prohibit swimming or bathing in the waters of, in, or
6 bounding the municipality, and to regulate or prohibit persons from
7 appearing upon the public streets, parks and places clad in bathing
8 costumes or robes, or costumes of a similar character; regulate or
9 prohibit persons from appearing ¹[upon State-owned lands within its
10 borders]¹ in a state of nudity ¹upon all lands within its borders which
11 are under the jurisdiction of the State including, without limitation, all
12 lands owned by, controlled by, managed by or leased by the State¹;

13 Prohibit annoyance of persons or animals. 10. Regulate or prohibit
14 any practice tending to frighten animals, or to annoy or injure persons
15 in the public streets;

16 Animals; pounds; establishment and regulation. 11. Establish and
17 regulate one or more pounds, and to prohibit or regulate the running
18 at large of horses, cattle, dogs, swine, goats and other animals, and to
19 authorize their impounding and sale for the penalty incurred, and the
20 costs of impounding, keeping and sale; to regulate or prohibit the
21 keeping of cattle, goats or swine in any part of the municipality; to
22 authorize the destruction of dogs running at large therein;

23 Hucksters. 12. Prescribe and regulate the place of vending or
24 exposing for sale articles of merchandise from vehicles;

25 Building regulations; wooden structures. 13. Regulate and control
26 the construction, erection, alteration and repair of buildings and
27 structures of every kind within the municipality; and to prohibit,
28 within certain limits, the construction, erection or alteration of
29 buildings or structures of wood or other combustible material;

30 Inflammable materials; inspect docks and buildings. 14. Regulate
31 the use, storage, sale and disposal of inflammable or combustible
32 materials, and to provide for the protection of life and property from
33 fire, explosions and other dangers; ¹[o] to¹ provide for inspections of
34 buildings, docks, wharves, warehouses and other places, and of goods
35 and materials contained therein, to secure the proper enforcement of
36 such ordinance;

37 Dangerous structures; removal or destruction; procedure. 15.
38 Provide for the removal or destruction of any building, wall or
39 structure which is or may become dangerous to life or health, or might
40 tend to extend a conflagration; and to assess the cost thereof as a
41 municipal lien against the premises;

42 Chimneys and boilers. 16. Regulate the construction and setting
43 up of chimneys, furnaces, stoves, boilers, ovens and other contrivances
44 in which fire is used;

45 Explosives. 17. Regulate, in conformity with the statutes of this
46 State, the manufacture, storage, sale, keeping or conveying of

1 gunpowder, nitroglycerine, dynamite and other explosives;

2 Firearms and fireworks. 18. Regulate and prohibit the sale and use
3 of guns, pistols, firearms, and fireworks of all descriptions;

4 Soft coal. 19. Regulate the use of soft coal in locomotives,
5 factories, power houses and other places;

6 Theatres, schools, churches and public places. 20. Regulate the
7 use of theatres, cinema houses, public halls, schools, churches, and
8 other places where numbers of people assemble, and the exits
9 therefrom, so that escape therefrom may be easily and safely made in
10 case of fire or panic; and to regulate any machinery, scenery, lights,
11 wires and other apparatus, equipment or appliances used in all places
12 of public amusement;

13 Excavations. 21. Regulate excavations below the established grade
14 or curb line of any street, not greater than eight feet, which the owner
15 of any land may make, in the erection of any building upon his own
16 property; and to provide for the giving of notice, in writing, of such
17 intended excavation to any adjoining owner or owners, and that they
18 will be required to protect and care for their several foundation walls
19 that may be endangered by such excavation; and to provide that in
20 case of the neglect or refusal, for 10 days, of such adjoining owner or
21 owners to take proper action to secure and protect the foundations of
22 any adjacent building or other structure, that the party or parties
23 giving such notice, or their agents, contractors or employees, may
24 enter into and upon such adjoining property and do all necessary work
25 to make such foundations secure, and may recover the cost of such
26 work and labor in so protecting such adjacent property; and to make
27 such further and other provisions in relation to the proper conduct and
28 performance of said work as the governing body or board of the
29 municipality may deem necessary and proper;

30 Sample medicines. 22. Regulate and prohibit the distribution,
31 depositing or leaving on the public streets or highways, public places
32 or private property, or at any private place or places within any such
33 municipality, and medicine, medicinal preparation or preparations
34 represented to cure ailments or diseases of the body or mind, or any
35 samples thereof, or any advertisements or circulars relating thereto,
36 but no ordinance shall prohibit a delivery of any such article to any
37 person above the age of 12 years willing to receive the same;

38 Boating. 23. Regulate the use of motor and other boats upon
39 waters within or bounding the municipality;

40 Fire escapes. 24. Provide for the erection of fire escapes on
41 buildings in the municipality, and to provide rules and regulations
42 concerning the construction and maintenance of the same, and for the
43 prevention of any obstruction thereof or thereon;

44 Care of injured employees. 25. Provide for the payment of
45 compensation and for medical attendance to any officer or employee
46 of the municipality injured in the performance of his duty;

1 Bulkheads and other structures. 26. Fix and determine the lines of
2 bulkheads or other works or structures to be erected, constructed or
3 maintained by the owners of lands facing upon any navigable water in
4 front of their lands, and in front of or along any highway or public
5 lands of said municipality, and to designate the materials to be used,
6 and the type, height and dimensions thereof;

7 Lifeguard. 27. Establish, maintain, regulate and control a lifeguard
8 upon any beach within or bordering on the municipality;

9 Appropriation for life-saving apparatus. 28. Appropriate moneys
10 to safeguard people from drowning within its borders, by location of
11 apparatus or conduct of educational work in harmony with the plans
12 of the United States volunteer life-saving corps in this State;

13 Fences. 29. Regulate the size, height and dimensions of any fences
14 between the lands of adjoining owners, whether built or erected as
15 division or partition fences between such lands, and whether the same
16 exist or be erected entirely or only [party] partly upon the lands of
17 any such adjoining owners, or along or immediately adjacent to any
18 division or partition line of such lands. To provide, in such ordinance,
19 the manner of securing, fastening or shoring such fences ¹, and for
20 surveying the land when required by statute¹ , and to prohibit in any
21 such ordinance the use at a height of under 10 feet from the ground,
22 of any device, such as wire or cable, that would be dangerous to
23 pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles,
24 unless that device is clearly visible to pedestrians, equestrians,
25 bicyclists or drivers of off-the-road vehicles. In the case of fences
26 thereafter erected contrary to the provisions thereof, the governing
27 body may provide for a penalty for the violation of such ordinance,
28 and in the case of such fence or fences erected or existing at the time
29 of the passage of any such ordinance, may provide therein for the
30 removal, change or alteration thereof, so as to make such fence or
31 fences comply with the provisions of any such ordinance;

32 Advertise municipality. 30. Appropriate funds for advertising the
33 advantages of the municipality;

34 Government Energy Aggregation Programs. 31. Establish
35 programs and procedures pursuant to which the municipality may act
36 as a government aggregator pursuant to sections 40 through 45 of
37 P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the
38 provisions of any other law, rule or regulation to the contrary, a
39 municipality acting as a government aggregator pursuant to P.L.1999,
40 c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility
41 pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be
42 operating any form of public utility service pursuant to R.S.40:62-1 et
43 seq., to the extent such municipality is solely engaged in the provision
44 of such aggregation service and not otherwise owning or operating any
45 plant or facility for the production or distribution of gas, electricity,
46 steam or other product as provided in R.S.40:62-12.

47 (cf: P.L.1999, c.141, s.1)

- 1 2. (New section) A person who uses any type of device, including
2 but not limited to wire or cable, that is not a fence but is installed at
3 a height under 10 feet from the ground, to indicate boundary lines or
4 otherwise to divide, partition or segregate portions of real property,
5 if the device is not readily visible or marked in such a way as to make
6 it readily visible to persons who are pedestrians, equestrians, bicyclists
7 or drivers of off-the-road vehicles and poses a risk of causing
8 significant bodily injury to such persons, shall be guilty of a crime of
9 the fourth degree.¹However, this section is not intended to apply to
10 markers set by a licensed land surveyor, pursuant to existing statute.¹
11
12 3. This act shall take effect immediately.

ASSEMBLY, No. 2064

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 24, 2000

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Prohibits use of non-fence materials to mark property boundaries unless such material is visible to certain persons; makes violation a crime of fourth degree.

CURRENT VERSION OF TEXT

As introduced.



A2064 COTTRELL, MALONE

2

1 AN ACT concerning the marking of property boundaries, amending
2 R.S.40:48-1 and supplementing Title 2C of the New Jersey
3 Statutes.

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

7
8 1. R.S.40:48-1 is amended to read as follows:

9 40:48-1. The governing body of every municipality may make,
10 amend, repeal and enforce ordinances to:

11 Finances and property. 1. Manage, regulate and control the
12 finances and property, real and personal, of the municipality;

13 Contracts and contractor's bonds. 2. Prescribe the form and
14 manner of execution and approval of all contracts to be executed by
15 the municipality and of all bonds to be given to it;

16 Officers and employees; duties, terms and salaries. 3. Prescribe
17 and define, except as otherwise provided by law, the duties and terms
18 of office or employment, of all officers and employees; and to provide
19 for the employment and compensation of such officials and employees,
20 in addition to those provided for by statute, as may be deemed
21 necessary for the efficient conduct of the affairs of the municipality;

22 Fees. 4. Fix the fees of any officer or employee of the municipality
23 for any service rendered in connection with his office or position, for
24 which no specific fee or compensation is provided. In the case of
25 salaried officers or employees, such fee shall be paid into the municipal
26 treasury;

27 Salaries instead of fees; disposition of fees. 5. Provide that any
28 officer or employee receiving compensation for his services, in whole
29 or in part by fees, whether paid by the municipality or otherwise, shall
30 be paid a salary to be fixed in the ordinance, and thereafter all fees
31 received by such officer or employee shall be paid into the municipal
32 treasury;

33 Maintain order. 6. Prevent vice, drunkenness and immorality; to
34 preserve the public peace and order; to prevent and quell riots,
35 disturbances and disorderly assemblages;

36 Punish beggars; prevention of loitering. 7. Restrain and punish
37 drunkards, vagrants, mendicants and street beggars; to prevent
38 loitering, lounging or sleeping in the streets, parks or public places;

39 Auctions and noises. 8. Regulate the ringing of bells and the
40 crying of goods and other commodities for sale at auction or
41 otherwise, and to prevent disturbing noises;

42 Swimming; bathing costume. 9. Regulate or prohibit swimming or
43 bathing in the waters of, in, or bounding the municipality, and to

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

Matter underlined thus is new matter.

1 regulate or prohibit persons from appearing upon the public streets,
2 parks and places clad in bathing costumes or robes, or costumes of a
3 similar character;

4 Prohibit annoyance of persons or animals. 10. Regulate or prohibit
5 any practice tending to frighten animals, or to annoy or injure persons
6 in the public streets;

7 Animals; pounds; establishment and regulation. 11. Establish and
8 regulate one or more pounds, and to prohibit or regulate the running
9 at large of horses, cattle, dogs, swine, goats and other animals, and to
10 authorize their impounding and sale for the penalty incurred, and the
11 costs of impounding, keeping and sale; to regulate or prohibit the
12 keeping of cattle, goats or swine in any part of the municipality; to
13 authorize the destruction of dogs running at large therein;

14 Hucksters. 12. Prescribe and regulate the place of vending or
15 exposing for sale articles of merchandise from vehicles;

16 Building regulations; wooden structures. 13. Regulate and control
17 the construction, erection, alteration and repair of buildings and
18 structures of every kind within the municipality; and to prohibit, within
19 certain limits, the construction, erection or alteration of buildings or
20 structures of wood or other combustible material;

21 Inflammable materials; inspect docks and buildings. 14. Regulate
22 the use, storage, sale and disposal of inflammable or combustible
23 materials, and to provide for the protection of life and property from
24 fire, explosions and other dangers; o provide for inspections of
25 buildings, docks, wharves, warehouses and other places, and of goods
26 and materials contained therein, to secure the proper enforcement of
27 such ordinance;

28 Dangerous structures; removal or destruction; procedure. 15.
29 Provide for the removal or destruction of any building, wall or
30 structure which is or may become dangerous to life or health, or might
31 tend to extend a conflagration; and to assess the cost thereof as a
32 municipal lien against the premises;

33 Chimneys and boilers. 16. Regulate the construction and setting
34 up of chimneys, furnaces, stoves, boilers, ovens and other
35 contrivances in which fire is used;

36 Explosives. 17. Regulate, in conformity with the statutes of this
37 State, the manufacture, storage, sale, keeping or conveying of
38 gunpowder, nitroglycerine, dynamite and other explosives;

39 Firearms and fireworks. 18. Regulate and prohibit the sale and use
40 of guns, pistols, firearms, and fireworks of all descriptions;

41 Soft coal. 19. Regulate the use of soft coal in locomotives,
42 factories, power houses and other places;

43 Theatres, schools, churches and public places. 20. Regulate the
44 use of theatres, cinema houses, public halls, schools, churches, and
45 other places where numbers of people assemble, and the exits
46 therefrom, so that escape therefrom may be easily and safely made in

1 case of fire or panic; and to regulate any machinery, scenery, lights,
2 wires and other apparatus, equipment or appliances used in all places
3 of public amusement;

4 Excavations. 21. Regulate excavations below the established grade
5 or curb line of any street, not greater than eight feet, which the owner
6 of any land may make, in the erection of any building upon his own
7 property; and to provide for the giving of notice, in writing, of such
8 intended excavation to any adjoining owner or owners, and that they
9 will be required to protect and care for their several foundation walls
10 that may be endangered by such excavation; and to provide that in
11 case of the neglect or refusal, for 10 days, of such adjoining owner or
12 owners to take proper action to secure and protect the foundations of
13 any adjacent building or other structure, that the party or parties
14 giving such notice, or their agents, contractors or employees, may
15 enter into and upon such adjoining property and do all necessary work
16 to make such foundations secure, and may recover the cost of such
17 work and labor in so protecting such adjacent property; and to make
18 such further and other provisions in relation to the proper conduct and
19 performance of said work as the governing body or board of the
20 municipality may deem necessary and proper;

21 Sample medicines. 22. Regulate and prohibit the distribution,
22 depositing or leaving on the public streets or highways, public places
23 or private property, or at any private place or places within any such
24 municipality, and medicine, medicinal preparation or preparations
25 represented to cure ailments or diseases of the body or mind, or any
26 samples thereof, or any advertisements or circulars relating thereto,
27 but no ordinance shall prohibit a delivery of any such article to any
28 person above the age of 12 years willing to receive the same;

29 Boating. 23. Regulate the use of motor and other boats upon
30 waters within or bounding the municipality;

31 Fire escapes. 24. Provide for the erection of fire escapes on
32 buildings in the municipality, and to provide rules and regulations
33 concerning the construction and maintenance of the same, and for the
34 prevention of any obstruction thereof or thereon;

35 Care of injured employees. 25. Provide for the payment of
36 compensation and for medical attendance to any officer or employee
37 of the municipality injured in the performance of his duty;

38 Bulkheads and other structures. 26. Fix and determine the lines of
39 bulkheads or other works or structures to be erected, constructed or
40 maintained by the owners of lands facing upon any navigable water in
41 front of their lands, and in front of or along any highway or public
42 lands of said municipality, and to designate the materials to be used,
43 and the type, height and dimensions thereof;

44 Lifeguard. 27. Establish, maintain, regulate and control a lifeguard
45 upon any beach within or bordering on the municipality;

46 Appropriation for life-saving apparatus. 28. Appropriate moneys

1 to safeguard people from drowning within its borders, by location of
2 apparatus or conduct of educational work in harmony with the plans
3 of the United States volunteer life-saving corps in this State;

4 Fences. 29. Regulate the size, height and dimensions of any fences
5 between the lands of adjoining owners, whether built or erected as
6 division or partition fences between such lands, and whether the same
7 exist or be erected entirely or only [party] partly upon the lands of
8 any such adjoining owners, or along or immediately adjacent to any
9 division or partition line of such lands. To provide, in such ordinance,
10 the manner of securing, fastening or shoring such fences, and to
11 prohibit in any such ordinance the use at a height of under 10 feet from
12 the ground, of any device, such as wire or cable, that would be
13 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-
14 road vehicles, unless that device is clearly visible to pedestrians,
15 equestrians, bicyclists or drivers of off-the-road vehicles. In the case
16 of fences thereafter erected contrary to the provisions thereof, the
17 governing body may provide for a penalty for the violation of such
18 ordinance, and in the case of such fence or fences erected or existing
19 at the time of the passage of any such ordinance, may provide therein
20 for the removal, change or alteration thereof, so as to make such
21 fence or fences comply with the provisions of any such ordinance;

22 Advertise municipality. 30. Appropriate funds for advertising the
23 advantages of the municipality.

24 (cf: P.L.1979, c.43, s.1)

25

26 2. (New section) A person who uses any type of device, including
27 but not limited to wire or cable, that is not a fence but is installed at
28 a height under 10 feet from the ground, to indicate boundary lines or
29 otherwise to divide, partition or segregate portions of real property,
30 if the device is not readily visible or marked in such a way as to make
31 it readily visible to persons who are pedestrians, equestrians, bicyclists
32 or drivers of off-the-road vehicles and poses a risk of causing
33 significant bodily injury to such persons, shall be guilty of a crime of
34 the fourth degree.

35

36 3. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill designates as a crime of the fourth degree the use by a
42 person of any type of device, including but not limited to wire or
43 cable, that is not a fence but is installed at a height under 10 feet from
44 the ground, to indicate the boundary lines or otherwise to divide,
45 partition or segregate portions of real property if the device used is not
46 readily visible or marked in such a way as to make it readily visible to

1 persons who are pedestrians, equestrians, bicyclists or drivers of any
2 other off-road vehicles and poses a risk of causing significant bodily
3 injury to such persons. The bill also requires that any ordinance
4 regulating fences shall prohibit the use of any type of other device,
5 such as wire or cable, at a height under 10 feet from the ground, unless
6 that device is clearly visible to pedestrians, equestrians, bicyclists or
7 drivers of any other off-the-road vehicles.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2064

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 12, 2000

The Assembly Local Government Committee reports favorably and with committee amendments Assembly Bill No. 2064.

This bill designates as a crime of the fourth degree the use by a person of any type of device, including but not limited to wire or cable, that is not a fence but is installed at a height under 10 feet from the ground, to indicate the boundary lines or otherwise to divide, partition or segregate portions of real property if the device used is not readily visible or marked in such a way as to make it readily visible to persons who are pedestrians, equestrians, bicyclists or drivers of any other off-road vehicles and poses a risk of causing significant bodily injury to such persons. The bill also requires that any ordinance regulating fences shall prohibit the use of any type of other device, such as wire or cable, at a height under 10 feet from the ground, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of any other off-the-road vehicles. The committee amended the bill to clarify that marking devices used by licensed surveyors would be exempt from any fence regulations adopted by a municipality. The committee also amended section 1 of the bill to bring it current to the latest version of the law, in order to reflect four different changes to that section of law since the bill was drafted.

As amended, this bill is identical to Senate, No. 463 (TR), also amended and released from committee this day.

[First Reprint]

ASSEMBLY, No. 2064

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 24, 2000

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblyman JOSEPH R. MALONE, III

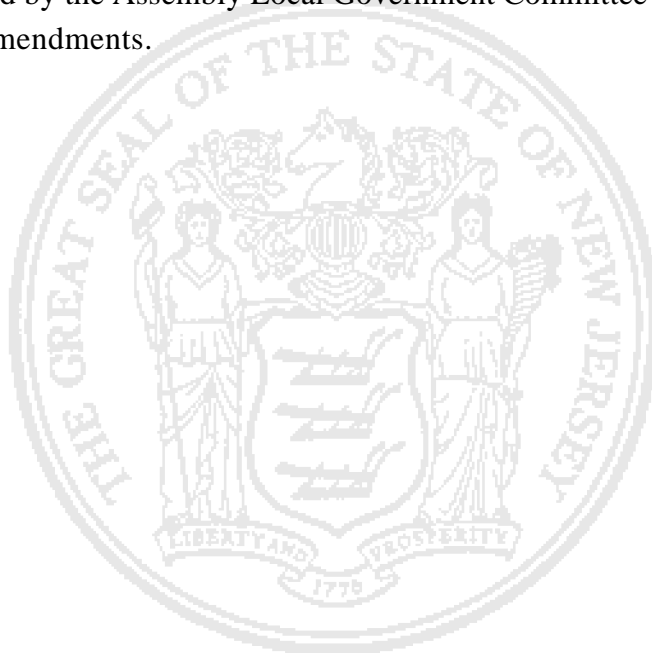
District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Prohibits use of non-fence materials to mark property boundaries unless such material is visible to certain persons; makes violation a crime of fourth degree.

CURRENT VERSION OF TEXT

As reported by the Assembly Local Government Committee on October 12, 2000, with amendments.



1 AN ACT concerning the marking of property boundaries, amending
2 R.S.40:48-1 and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

8 1. R.S.40:48-1 is amended to read as follows:

9 40:48-1. ¹Ordinances; general purpose.¹ The governing body of
10 every municipality may make, amend, repeal and enforce ordinances
11 to:

12 Finances and property. 1. Manage, regulate and control the
13 finances and property, real and personal, of the municipality;

14 Contracts and contractor's bonds. 2. Prescribe the form and
15 manner of execution and approval of all contracts to be executed by
16 the municipality and of all bonds to be given to it;

17 Officers and employees; duties, terms and salaries. 3. Prescribe
18 and define, except as otherwise provided by law, the duties and terms
19 of office or employment, of all officers and employees; and to provide
20 for the employment and compensation of such officials and employees,
21 in addition to those provided for by statute, as may be deemed
22 necessary for the efficient conduct of the affairs of the municipality;

23 Fees. 4. Fix the fees of any officer or employee of the municipality
24 for any service rendered in connection with his office or position, for
25 which no specific fee or compensation is provided. In the case of
26 salaried officers or employees, such fee shall be paid into the municipal
27 treasury;

28 Salaries instead of fees; disposition of fees. 5. Provide that any
29 officer or employee receiving compensation for his services, in whole
30 or in part by fees, whether paid by the municipality or otherwise, shall
31 be paid a salary to be fixed in the ordinance, and thereafter all fees
32 received by such officer or employee shall be paid into the municipal
33 treasury;

34 Maintain order. 6. Prevent vice, drunkenness and immorality; to
35 preserve the public peace and order; to prevent and quell riots,
36 disturbances and disorderly assemblages ¹; to prohibit the consumption
37 of alcoholic beverages by underage persons on private property
38 pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2)¹;

39 Punish beggars; prevention of loitering. 7. Restrain and punish
40 drunkards, vagrants, mendicants and street beggars; to prevent
41 loitering, lounging or sleeping in the streets, parks or public places;

42 Auctions and noises. 8. Regulate the ringing of bells and the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 ALG committee amendments adopted October 12, 2000.

1 crying of goods and other commodities for sale at auction or
2 otherwise, and to prevent disturbing noises;

3 Swimming; bathing costume ¹: prohibition of public nudity¹. 9.
4 Regulate or prohibit swimming or bathing in the waters of, in, or
5 bounding the municipality, and to regulate or prohibit persons from
6 appearing upon the public streets, parks and places clad in bathing
7 costumes or robes, or costumes of a similar character; ¹regulate or
8 prohibit persons from appearing in a state of nudity upon all lands
9 within its borders which are under the jurisdiction of the State
10 including, without limitation, all lands owned by, controlled by,
11 managed by or leased by the State;¹

12 Prohibit annoyance of persons or animals. 10. Regulate or prohibit
13 any practice tending to frighten animals, or to annoy or injure persons
14 in the public streets;

15 Animals; pounds; establishment and regulation. 11. Establish and
16 regulate one or more pounds, and to prohibit or regulate the running
17 at large of horses, cattle, dogs, swine, goats and other animals, and to
18 authorize their impounding and sale for the penalty incurred, and the
19 costs of impounding, keeping and sale; to regulate or prohibit the
20 keeping of cattle, goats or swine in any part of the municipality; to
21 authorize the destruction of dogs running at large therein;

22 Hucksters. 12. Prescribe and regulate the place of vending or
23 exposing for sale articles of merchandise from vehicles;

24 Building regulations; wooden structures. 13. Regulate and control
25 the construction, erection, alteration and repair of buildings and
26 structures of every kind within the municipality; and to prohibit, within
27 certain limits, the construction, erection or alteration of buildings or
28 structures of wood or other combustible material;

29 Inflammable materials; inspect docks and buildings. 14. Regulate
30 the use, storage, sale and disposal of inflammable or combustible
31 materials, and to provide for the protection of life and property from
32 fire, explosions and other dangers; ¹[o] to¹ provide for inspections of
33 buildings, docks, wharves, warehouses and other places, and of goods
34 and materials contained therein, to secure the proper enforcement of
35 such ordinance;

36 Dangerous structures; removal or destruction; procedure. 15.
37 Provide for the removal or destruction of any building, wall or
38 structure which is or may become dangerous to life or health, or might
39 tend to extend a conflagration; and to assess the cost thereof as a
40 municipal lien against the premises;

41 Chimneys and boilers. 16. Regulate the construction and setting
42 up of chimneys, furnaces, stoves, boilers, ovens and other
43 contrivances in which fire is used;

44 Explosives. 17. Regulate, in conformity with the statutes of this
45 State, the manufacture, storage, sale, keeping or conveying of
46 gunpowder, nitroglycerine, dynamite and other explosives;

1 Firearms and fireworks. 18. Regulate and prohibit the sale and use
2 of guns, pistols, firearms, and fireworks of all descriptions;

3 Soft coal. 19. Regulate the use of soft coal in locomotives,
4 factories, power houses and other places;

5 Theatres, schools, churches and public places. 20. Regulate the
6 use of theatres, cinema houses, public halls, schools, churches, and
7 other places where numbers of people assemble, and the exits
8 therefrom, so that escape therefrom may be easily and safely made in
9 case of fire or panic; and to regulate any machinery, scenery, lights,
10 wires and other apparatus, equipment or appliances used in all places
11 of public amusement;

12 Excavations. 21. Regulate excavations below the established grade
13 or curb line of any street, not greater than eight feet, which the owner
14 of any land may make, in the erection of any building upon his own
15 property; and to provide for the giving of notice, in writing, of such
16 intended excavation to any adjoining owner or owners, and that they
17 will be required to protect and care for their several foundation walls
18 that may be endangered by such excavation; and to provide that in
19 case of the neglect or refusal, for 10 days, of such adjoining owner or
20 owners to take proper action to secure and protect the foundations of
21 any adjacent building or other structure, that the party or parties
22 giving such notice, or their agents, contractors or employees, may
23 enter into and upon such adjoining property and do all necessary work
24 to make such foundations secure, and may recover the cost of such
25 work and labor in so protecting such adjacent property; and to make
26 such further and other provisions in relation to the proper conduct and
27 performance of said work as the governing body or board of the
28 municipality may deem necessary and proper;

29 Sample medicines. 22. Regulate and prohibit the distribution,
30 depositing or leaving on the public streets or highways, public places
31 or private property, or at any private place or places within any such
32 municipality, and medicine, medicinal preparation or preparations
33 represented to cure ailments or diseases of the body or mind, or any
34 samples thereof, or any advertisements or circulars relating thereto,
35 but no ordinance shall prohibit a delivery of any such article to any
36 person above the age of 12 years willing to receive the same;

37 Boating. 23. Regulate the use of motor and other boats upon
38 waters within or bounding the municipality;

39 Fire escapes. 24. Provide for the erection of fire escapes on
40 buildings in the municipality, and to provide rules and regulations
41 concerning the construction and maintenance of the same, and for the
42 prevention of any obstruction thereof or thereon;

43 Care of injured employees. 25. Provide for the payment of
44 compensation and for medical attendance to any officer or employee
45 of the municipality injured in the performance of his duty;

46 Bulkheads and other structures. 26. Fix and determine the lines of

1 bulkheads or other works or structures to be erected, constructed or
2 maintained by the owners of lands facing upon any navigable water in
3 front of their lands, and in front of or along any highway or public
4 lands of said municipality, and to designate the materials to be used,
5 and the type, height and dimensions thereof;

6 Lifeguard. 27. Establish, maintain, regulate and control a lifeguard
7 upon any beach within or bordering on the municipality;

8 Appropriation for life-saving apparatus. 28. Appropriate moneys
9 to safeguard people from drowning within its borders, by location of
10 apparatus or conduct of educational work in harmony with the plans
11 of the United States volunteer life-saving corps in this State;

12 Fences. 29. Regulate the size, height and dimensions of any fences
13 between the lands of adjoining owners, whether built or erected as
14 division or partition fences between such lands, and whether the same
15 exist or be erected entirely or only [party] partly upon the lands of
16 any such adjoining owners, or along or immediately adjacent to any
17 division or partition line of such lands. To provide, in such ordinance,
18 the manner of securing, fastening or shoring such fences ¹, and for
19 surveying the land when required by statute¹, and to prohibit in any
20 such ordinance the use at a height of under 10 feet from the ground,
21 of any device, such as wire or cable, that would be dangerous to
22 pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles,
23 unless that device is clearly visible to pedestrians, equestrians,
24 bicyclists or drivers of off-the-road vehicles. In the case of fences
25 thereafter erected contrary to the provisions thereof, the governing
26 body may provide for a penalty for the violation of such ordinance,
27 and in the case of such fence or fences erected or existing at the time
28 of the passage of any such ordinance, may provide therein for the
29 removal, change or alteration thereof, so as to make such fence or
30 fences comply with the provisions of any such ordinance;

31 Advertise municipality. 30. Appropriate funds for advertising the
32 advantages of the municipality¹;

33 Government Energy Aggregation Programs. 31. Establish programs
34 and procedures pursuant to which the municipality may act as a
35 government aggregator pursuant to sections 40 through 45 of
36 P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the
37 provisions of any other law, rule or regulation to the contrary, a
38 municipality acting as a government aggregator pursuant to P.L.1999,
39 c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility
40 pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be
41 operating any form of public utility service pursuant to R.S.40:62-1 et
42 seq., to the extent such municipality is solely engaged in the provision
43 of such aggregation service and not otherwise owning or operating any
44 plant or facility for the production or distribution of gas, electricity,
45 steam or other product as provided in R.S.40:62-12¹.

46 (cf: P.L.1979, c.43, s.1)

- 1 2. (New section) A person who uses any type of device, including
2 but not limited to wire or cable, that is not a fence but is installed at
3 a height under 10 feet from the ground, to indicate boundary lines or
4 otherwise to divide, partition or segregate portions of real property,
5 if the device is not readily visible or marked in such a way as to make
6 it readily visible to persons who are pedestrians, equestrians, bicyclists
7 or drivers of off-the-road vehicles and poses a risk of causing
8 significant bodily injury to such persons, shall be guilty of a crime of
9 the fourth degree.¹However, this section is not intended to apply to
10 markers set by a licensed land surveyor, pursuant to existing statute.¹
11
12 3. This act shall take effect immediately.

P.L. 2001, CHAPTER 36, *approved March 23, 2001*
Senate, No. 463 (*First Reprint*)

1 AN ACT concerning the marking of property boundaries, amending
2 R.S.40:48-1 and supplementing Title 2C of the New Jersey
3 Statutes.

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

7
8 1. R.S.40:48-1 is amended to read as follows:

9 40:48-1. ¹Ordinances; general purpose.¹ The governing body of
10 every municipality may make, amend, repeal and enforce ordinances
11 to:

12 Finances and property. 1. Manage, regulate and control the
13 finances and property, real and personal, of the municipality;

14 Contracts and contractor's bonds. 2. Prescribe the form and
15 manner of execution and approval of all contracts to be executed by
16 the municipality and of all bonds to be given to it;

17 Officers and employees; duties, terms and salaries. 3. Prescribe
18 and define, except as otherwise provided by law, the duties and terms
19 of office or employment, of all officers and employees; and to
20 provide for the employment and compensation of such officials and
21 employees, in addition to those provided for by statute, as may be
22 deemed necessary for the efficient conduct of the affairs of the
23 municipality;

24 Fees. 4. Fix the fees of any officer or employee of the municipality
25 for any service rendered in connection with his office or position, for
26 which no specific fee or compensation is provided. In the case of
27 salaried officers or employees, such fee shall be paid into the municipal
28 treasury;

29 Salaries instead of fees; disposition of fees. 5. Provide that any
30 officer or employee receiving compensation for his services, in whole
31 or in part by fees, whether paid by the municipality or otherwise, shall
32 be paid a salary to be fixed in the ordinance, and thereafter all fees
33 received by such officer or employee shall be paid into the municipal
34 treasury;

35 Maintain order. 6. Prevent vice, drunkenness and immorality; to
36 preserve the public peace and order; to prevent and quell riots,
37 disturbances and disorderly assemblages ¹; to prohibit the consumption
38 of alcoholic beverages by underage persons on private property
39 pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2)¹;

40 Punish beggars; prevention of loitering. 7. Restrain and punish

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 ALG committee amendments adopted October 12, 2000.

1 drunkards, vagrants, mendicants and street beggars; to prevent
2 loitering, lounging or sleeping in the streets, parks or public places;
3 Auctions and noises. 8. Regulate the ringing of bells and the
4 crying of goods and other commodities for sale at auction or
5 otherwise, and to prevent disturbing noises;
6 Swimming; bathing costume; prohibition of public nudity. 9.
7 Regulate or prohibit swimming or bathing in the waters of, in, or
8 bounding the municipality, and to regulate or prohibit persons from
9 appearing upon the public streets, parks and places clad in bathing
10 costumes or robes, or costumes of a similar character; regulate or
11 prohibit persons from appearing ¹[upon State-owned lands within its
12 borders]¹ in a state of nudity ¹upon all lands within its borders which
13 are under the jurisdiction of the State including, without limitation, all
14 lands owned by, controlled by, managed by or leased by the State¹;
15 Prohibit annoyance of persons or animals. 10. Regulate or prohibit
16 any practice tending to frighten animals, or to annoy or injure persons
17 in the public streets;
18 Animals; pounds; establishment and regulation. 11. Establish and
19 regulate one or more pounds, and to prohibit or regulate the running
20 at large of horses, cattle, dogs, swine, goats and other animals, and to
21 authorize their impounding and sale for the penalty incurred, and the
22 costs of impounding, keeping and sale; to regulate or prohibit the
23 keeping of cattle, goats or swine in any part of the municipality; to
24 authorize the destruction of dogs running at large therein;
25 Hucksters. 12. Prescribe and regulate the place of vending or
26 exposing for sale articles of merchandise from vehicles;
27 Building regulations; wooden structures. 13. Regulate and control
28 the construction, erection, alteration and repair of buildings and
29 structures of every kind within the municipality; and to prohibit,
30 within certain limits, the construction, erection or alteration of
31 buildings or structures of wood or other combustible material;
32 Inflammable materials; inspect docks and buildings. 14. Regulate
33 the use, storage, sale and disposal of inflammable or combustible
34 materials, and to provide for the protection of life and property from
35 fire, explosions and other dangers; ¹[o] to¹ provide for inspections of
36 buildings, docks, wharves, warehouses and other places, and of goods
37 and materials contained therein, to secure the proper enforcement of
38 such ordinance;
39 Dangerous structures; removal or destruction; procedure. 15.
40 Provide for the removal or destruction of any building, wall or
41 structure which is or may become dangerous to life or health, or might
42 tend to extend a conflagration; and to assess the cost thereof as a
43 municipal lien against the premises;
44 Chimneys and boilers. 16. Regulate the construction and setting
45 up of chimneys, furnaces, stoves, boilers, ovens and other contrivances
46 in which fire is used;

1 Explosives. 17. Regulate, in conformity with the statutes of this
2 State, the manufacture, storage, sale, keeping or conveying of
3 gunpowder, nitroglycerine, dynamite and other explosives;

4 Firearms and fireworks. 18. Regulate and prohibit the sale and use
5 of guns, pistols, firearms, and fireworks of all descriptions;

6 Soft coal. 19. Regulate the use of soft coal in locomotives,
7 factories, power houses and other places;

8 Theatres, schools, churches and public places. 20. Regulate the
9 use of theatres, cinema houses, public halls, schools, churches, and
10 other places where numbers of people assemble, and the exits
11 therefrom, so that escape therefrom may be easily and safely made in
12 case of fire or panic; and to regulate any machinery, scenery, lights,
13 wires and other apparatus, equipment or appliances used in all places
14 of public amusement;

15 Excavations. 21. Regulate excavations below the established grade
16 or curb line of any street, not greater than eight feet, which the owner
17 of any land may make, in the erection of any building upon his own
18 property; and to provide for the giving of notice, in writing, of such
19 intended excavation to any adjoining owner or owners, and that they
20 will be required to protect and care for their several foundation walls
21 that may be endangered by such excavation; and to provide that in
22 case of the neglect or refusal, for 10 days, of such adjoining owner or
23 owners to take proper action to secure and protect the foundations of
24 any adjacent building or other structure, that the party or parties
25 giving such notice, or their agents, contractors or employees, may
26 enter into and upon such adjoining property and do all necessary work
27 to make such foundations secure, and may recover the cost of such
28 work and labor in so protecting such adjacent property; and to make
29 such further and other provisions in relation to the proper conduct and
30 performance of said work as the governing body or board of the
31 municipality may deem necessary and proper;

32 Sample medicines. 22. Regulate and prohibit the distribution,
33 depositing or leaving on the public streets or highways, public places
34 or private property, or at any private place or places within any such
35 municipality, and medicine, medicinal preparation or preparations
36 represented to cure ailments or diseases of the body or mind, or any
37 samples thereof, or any advertisements or circulars relating thereto,
38 but no ordinance shall prohibit a delivery of any such article to any
39 person above the age of 12 years willing to receive the same;

40 Boating. 23. Regulate the use of motor and other boats upon
41 waters within or bounding the municipality;

42 Fire escapes. 24. Provide for the erection of fire escapes on
43 buildings in the municipality, and to provide rules and regulations
44 concerning the construction and maintenance of the same, and for the
45 prevention of any obstruction thereof or thereon;

46 Care of injured employees. 25. Provide for the payment of

1 compensation and for medical attendance to any officer or employee
2 of the municipality injured in the performance of his duty;

3 Bulkheads and other structures. 26. Fix and determine the lines of
4 bulkheads or other works or structures to be erected, constructed or
5 maintained by the owners of lands facing upon any navigable water in
6 front of their lands, and in front of or along any highway or public
7 lands of said municipality, and to designate the materials to be used,
8 and the type, height and dimensions thereof;

9 Lifeguard. 27. Establish, maintain, regulate and control a lifeguard
10 upon any beach within or bordering on the municipality;

11 Appropriation for life-saving apparatus. 28. Appropriate moneys
12 to safeguard people from drowning within its borders, by location of
13 apparatus or conduct of educational work in harmony with the plans
14 of the United States volunteer life-saving corps in this State;

15 Fences. 29. Regulate the size, height and dimensions of any fences
16 between the lands of adjoining owners, whether built or erected as
17 division or partition fences between such lands, and whether the same
18 exist or be erected entirely or only [party] partly upon the lands of
19 any such adjoining owners, or along or immediately adjacent to any
20 division or partition line of such lands. To provide, in such ordinance,
21 the manner of securing, fastening or shoring such fences ¹, and for
22 surveying the land when required by statute¹, and to prohibit in any
23 such ordinance the use at a height of under 10 feet from the ground,
24 of any device, such as wire or cable, that would be dangerous to
25 pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles,
26 unless that device is clearly visible to pedestrians, equestrians,
27 bicyclists or drivers of off-the-road vehicles. In the case of fences
28 thereafter erected contrary to the provisions thereof, the governing
29 body may provide for a penalty for the violation of such ordinance,
30 and in the case of such fence or fences erected or existing at the time
31 of the passage of any such ordinance, may provide therein for the
32 removal, change or alteration thereof, so as to make such fence or
33 fences comply with the provisions of any such ordinance;

34 Advertise municipality. 30. Appropriate funds for advertising the
35 advantages of the municipality;

36 Government Energy Aggregation Programs. 31. Establish
37 programs and procedures pursuant to which the municipality may act
38 as a government aggregator pursuant to sections 40 through 45 of
39 P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the
40 provisions of any other law, rule or regulation to the contrary, a
41 municipality acting as a government aggregator pursuant to P.L.1999,
42 c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility
43 pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be
44 operating any form of public utility service pursuant to R.S.40:62-1 et
45 seq., to the extent such municipality is solely engaged in the provision
46 of such aggregation service and not otherwise owning or operating any
47 plant or facility for the production or distribution of gas, electricity,

1 steam or other product as provided in R.S.40:62-12.

2 (cf: P.L.1999, c.141, s.1)

3

4 2. (New section) A person who uses any type of device, including
5 but not limited to wire or cable, that is not a fence but is installed at
6 a height under 10 feet from the ground, to indicate boundary lines or
7 otherwise to divide, partition or segregate portions of real property,
8 if the device is not readily visible or marked in such a way as to make
9 it readily visible to persons who are pedestrians, equestrians, bicyclists
10 or drivers of off-the-road vehicles and poses a risk of causing
11 significant bodily injury to such persons, shall be guilty of a crime of
12 the fourth degree.¹However, this section is not intended to apply to
13 markers set by a licensed land surveyor, pursuant to existing statute.¹

14

15 3. This act shall take effect immediately.

16

17

18

19

20 Prohibits use of non-fence materials to mark property boundaries
21 unless such material is visible to certain persons; makes violation a
22 crime of fourth degree.

CHAPTER 36

AN ACT concerning the marking of property boundaries, amending R.S.40:48-1 and supplementing Title 2C of the New Jersey Statutes.

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

1. R.S.40:48-1 is amended to read as follows:

Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages; to prohibit the consumption of alcoholic beverages by underage persons on private property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume; prohibition of public nudity. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character; regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks,

wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theatres, schools, churches and public places. 20. Regulate the use of theatres, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences, and for surveying the land when required by statute, and to prohibit in any such ordinance the use at a height of under 10 feet from the ground, of any device, such as wire or cable, that would be dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of off-the-road vehicles. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 45 of P.L.1999, c.23 (C.48:3-89 through C.48:3-94). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12.

C.2C:40-20 Use of certain cable, wire devices; fourth degree crime.

2. A person who uses any type of device, including but not limited to wire or cable, that is not a fence but is installed at a height under 10 feet from the ground, to indicate boundary lines or otherwise to divide, partition or segregate portions of real property, if the device is not readily visible or marked in such a way as to make it readily visible to persons who are pedestrians, equestrians, bicyclists or drivers of off-the-road vehicles and poses a risk of causing significant bodily injury to such persons, shall be guilty of a crime of the fourth degree. However, this section is not intended to apply to markers set by a licensed land surveyor, pursuant to existing statute.

3. This act shall take effect immediately.

Approved March 23, 2001.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

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RELEASE: March 23 , 2001

DIFRANCESCO SIGNS LEGISLATION INCREASING JURY DUTY COMPENSATION

Acting Governor Donald T. DiFrancesco today signed the following legislation into law:

A-601 sponsored by Assemblymembers Joan Quigley (D-Bergen/Hudson), Richard Bagger (R-Middlesex/Morris/Somerset/Union), Anthony Impreveduto (D-Bergen/Hudson), John Gibson (R-Cape May/Atlantic/Cumberland), Kenneth LeFevre (R-Atlantic) and Nia Gill (D-Essex), increases compensation for jurors from \$5 per day to \$40 for each consecutive day of jury service in excess of three days.

"This increase for jurors is long overdue. I fully support fair compensation for the New Jersey citizens fulfilling their jury duty obligation - a key component of our justice system," remarked DiFrancesco.

Jurors already compensated from their employers for jury service are exempt.

A-2517, sponsored by Assemblymen Leonard Lance (R-Warren/Hunterdon/Mercer) and Michael Arnone (R-Monmouth) and co-sponsored by Assemblymembers Ken LeFevre (R-Atlantic) and Mary Previte (D-Camden), allows problem gamblers to request placement on the Casino Control Commission's (CCC) list of individuals to be excluded and ejected from any licensed casino or simulcasting facility.

In addition to helping problem gamblers to help themselves, the bill requires the CCC to circulate regulations compelling casinos to establish internal controls for removing voluntarily excluded individuals from mailing lists and for denying access to check-cashing privileges, special club programs and the issuance of credit.

A licensed casino shall not be liable in a court proceeding for any harm, monetary or otherwise, that might arise from the failure of the casino to withhold or restore gambling privileges to a self-excluded person.

S-82, sponsored by Raymond Zane (D-Salem/Cumberland/Gloucester), allows duplicate personalized license plates on both owned and leased vehicles.

This bill permits the lessee or owner of a motor vehicle who obtains personalized license plates to obtain a second set of those plates for use on additional vehicles he or she owns or leases. In the past, personalized plates could not be put on leased vehicles.

S-1577, sponsored by Senator Gerald Cardinale (R-Bergen) extends a grandfather clause to November 1, 2002 to allow applicants for a master plumber's license to use employment or schooling to satisfy certain newly enacted eligibility requirements.

The State Plumbing License Law was amended in 1998 to require applicants for the master plumbing license examination to complete a four-year apprentice program approved by the Department of Labor (DOL). This legislation extends a prior grandfather clause by four years to allow employment or schooling in a program not approved by DOL to be substituted for a year of the approved apprenticeship program if performed prior to November 1, 2002.

S-463, sponsored by Senator Robert Singer (R-Burlington/Monmouth/Ocean), prohibits the use of certain materials to mark property boundaries unless it is clearly visible.

It was introduced in response to a tragic accident in which an all-terrain vehicle operator was killed as a result of driving into a non-visible cable being used as a fence in a wooded area

This legislation makes it a fourth-degree criminal offense to use wire, cable, or other similar devices as fencing material installed at a height under 10 feet, if it is not readily visible to pedestrians, equestrians, bicyclists or off-road vehicle operators, and poses a risk of causing significant bodily injury.