

R.S. 58:11-43

LEGISLATIVE FACT SHEET

ON

N.J.R.S. 58:11-43 (Seiner factory areas - St. study  
(1966 Amendment))

LAWS OF 1966

CHAPTER 143

SENATE 103

~~ASSEMBLY~~

INTRODUCED Jan. 18, 1966

BY Hughes, Kiefer

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

Governor's Statement  YES

DEPOSITORY COPY  
Do Not Remove From Library

SENATE No. 103

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senator HUGHES

Referred to Committee on Institutions, Public Health and Welfare

AN ACT to amend and supplement "An act to protect the public health by regulating the installation or erection of potable water supply and sewerage services upon certain realty improvements within this State and providing for the enforcement thereof," approved July 21, 1954 (P. L. 1954, c. 199).

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

1 1. The State department shall study the various geographical areas of  
2 the State, from time to time, to determine whether any such areas should be  
3 restricted as to the types of sewerage facilities which may be thereafter con-  
4 structed in such areas. In conducting such a study, the State department  
5 shall give consideration to factors such as soil conditions, ground-water table  
6 levels, population densities and projected growth trends and such other  
7 factors which could affect the safe and proper operation of sewerage facil-  
8 ities in the area under study.

1 2. If the State department shall determine that it is essential to the  
2 public health and well-being of the inhabitants residing in the area to restrict  
3 or regulate the type or types of sewerage facilities which may thereafter be  
4 constructed in such area, it shall designate the area as a critical area for  
5 sewerage purpose.

1 3. A designation of an area as a critical area for sewerage purpose shall  
2 specify the specific geographical area contained within such critical area and  
3 the type or types of sewerage facilities which may thereafter be constructed  
4 in the critical area.

1 4. No area shall be designated as a critical area by the State depart-  
2 ment until at least 30 days after the State department has held a public  
3 hearing within such area. The State department shall give the residents of  
4 the area under consideration for designation as a critical area at least 15  
5 days' notice of such hearing and shall publish such notice in one or more  
6 newspapers circulating in the area.

1 5. The State department after consultations with the Department of  
2 Conservation and Economic Development shall adopt rules and regulations  
3 which establish standards for the use and construction of sewerage facilities  
4 in critical areas. Such rules and regulations shall be published and distrib-  
5 uted to local governing bodies and local boards of health in all designated  
6 critical areas.

1 6. Any person who violates any of the provisions of this act or the  
2 rules and regulations adopted hereunder shall be liable to the penalties set  
3 forth in section 17 of the act of which this act is a supplement.

1 7. Section 17 of the act of which this act is amendatory is amended to  
2 read as follows:

3 17. Any person or corporation violating any provision of this act shall be  
4 liable to a penalty of \$200.00 for each offense and an additional penalty of  
5 \$25.00 for each day of continuance of violation after notice of the violation  
6 shall have been given to such person or corporation by *the State depart-*  
7 *ment or* the board of health having jurisdiction in the municipality in which  
8 such violation occurs, to be collected and enforced by summary proceedings  
9 for the collection of penalties pursuant to the "Penalty Enforcement Law."

1 8. Section 19 of the act of which this act is amendatory is amended to  
2 read as follows:

3       19. In case any water supply system or sewerage facilities or any part  
4 thereof is about to be, or is, or has been, erected or installed after the effec-  
5 tive date of this act in violation of any of the provisions of this act as afore-  
6 said, such erection or installation is hereby declared to be a nuisance and  
7 *the State department* or the board having jurisdiction in the municipality in  
8 which the realty improvement is situate, may institute a civil action for an  
9 injunction to prohibit the further violations of this act in any court of com-  
10 petent jurisdiction, which court shall have power to order an abatement of  
11 such nuisance, and to prevent its further maintenance, and any further viola-  
12 tion of this act, by injunction or otherwise according to the practice of said  
13 court.

1       9. This act shall take effect immediately.

FISCAL NOTE TO  
**SENATE No. 103**

---

**STATE OF NEW JERSEY**

---

DATED: MARCH 4, 1966

Senate Bill No. 103 requires the State Department of Health to study the various geographical areas of the State to determine whether any such areas should be restricted as to type of sewerage facilities.

The department estimates that if Senate Bill No. 103 is enacted, there would be no additional cost to the State.

---

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE COMMITTEE AMENDMENTS TO

**SENATE No. 103**

**STATE OF NEW JERSEY**

ADOPTED MAY 16, 1966

Amend page 1, section 2, line 4, after the word "shall", insert "by appropriate regulation".

Amend page 2, section 3, line 1, delete the words "designation of", and insert in lieu thereof "regulation designating".

Amend page 2, section 4, lines 1 to 6, delete the section in its entirety and insert in lieu thereof:

"4. Prior to promulgation of such regulation, the State department shall hold a public hearing thereon within such area. The State department shall cause to be published at least once not less than 15 days prior to such hearing in each of the municipalities within the critical area proposed to be designated as such by the department, in a newspaper published in each of said municipalities, or if no newspaper be published in any such municipalities, then in a newspaper circulated in such municipalities, a notice of such hearing specifying the time when and place where such hearing will be held, together with a description of the area proposed to be designated as a critical area and a brief summary of the type or types of sewerage facilities which may thereafter be constructed therein".

Amend page 2, section 5, lines 1 to 4, delete the first sentence in its entirety and insert the following new sentence: "Following such hearing and after consultation with the Department of Conservation and Economic Development, the State department shall adopt such regulations designating a critical area and

specify the geographical area contained within such critical area, as well as the type or types of sewerage facilities which may thereafter be constructed therein, as may be reasonable and necessary to protect public health. No such regulations shall be promulgated until at least 60 days after the State department has conducted its public hearing.”.

CHAPTER 143 LAWS OF N. J. 1966

APPROVED 4/18/66

[OFFICIAL COPY REPRINT]

SENATE No. 103

# STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1966

By Senator HUGHES

Referred to Committee on Institutions, Public Health and Welfare

AN ACT to amend and supplement "An act to protect the public health by regulating the installation or erection of potable water supply and sewerage services upon certain realty improvements within this State and providing for the enforcement thereof," approved July 21, 1954 (P. L. 1954, c. 199).

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

1 1. The State department shall study the various geographical areas of  
2 the State, from time to time, to determine whether any such areas should be  
3 restricted as to the types of sewerage facilities which may be thereafter con-  
4 structed in such areas. In conducting such a study, the State department  
5 shall give consideration to factors such as soil conditions, ground-water table  
6 levels, population densities and projected growth trends and such other  
7 factors which could affect the safe and proper operation of sewerage facil-  
8 ities in the area under study.

1 2. If the State department shall determine that it is essential to the  
2 public health and well-being of the inhabitants residing in the area to restrict  
3 or regulate the type or types of sewerage facilities which may thereafter be  
4 constructed in such area, it shall *\*by appropriate regulation\** designate the  
5 area as a critical area for sewerage purpose.

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



1       3. A \***[**designation of**]**\* *regulation designating* an area as a critical  
2 area for sewerage purposes shall specify the specific geographical area con-  
3 tained within such critical area and the type or types of sewerage facilities  
4 which may thereafter be constructed in the critical area.

1       \***[**4. No area shall be designated as a critical area by the State depart-  
2 ment until at least 30 days after the State department has held a public  
3 hearing within such area. The State department shall give the residents of  
4 the area under consideration for designation as a critical area at least 15  
5 days' notice of such hearing and shall publish such notice in one or more  
6 newspapers circulating in the area.**]**\*

7       \*4. *Prior to promulgation of such regulation, the State department shall*  
8 *hold a public hearing thereon within such area. The State department shall*  
9 *cause to be published at least once not less than 15 days prior to such hear-*  
10 *ing in each of the municipalities within the critical area proposed to be des-*  
11 *ignated as such by the department, in a newspaper published in each of said*  
12 *municipalities, or if no newspaper be published in any such municipalities,*  
13 *then in a newspaper circulated in such municipalities, a notice of such hear-*  
14 *ing specifying the time when and place where such hearing will be held, to-*  
15 *gether with a description of the area proposed to be designated as a critical*  
16 *area and a brief summary of the type or types of sewerage facilities which*  
17 *may thereafter be constructed therein.\**

1       5. \***[**The State department after consultations with the Department of  
2 Conservation and Economic Development shall adopt rules and regulations  
3 which establish standards for the use and construction of sewerage facilities  
4 in critical areas.**]**\* *Following such hearing and after consultation with the*  
5 *Department of Conservation and Economic Development, the State depart-*  
6 *ment shall adopt such regulations designating a critical area and specify the*  
7 *geographical area contained within such critical area, as well as the type or*  
8 *types of sewerage facilities which may thereafter be constructed therein, as*  
9 *may be reasonable and necessary to protect public health. No such regula-*  
10 *tions shall be promulgated until at least 60 days after the State department*

11 *has conducted its public hearing.\** Such rules and regulations shall be pub-  
12 lished and distributed to local governing bodies and local boards of health in  
13 all designated critical areas.

1 6. Any person who violates any of the provisions of this act or the  
2 rules and regulations adopted hereunder shall be liable to the penalties set  
3 forth in section 17 of the act of which this act is a supplement.

1 7. Section 17 of the act of which this act is amendatory is amended to  
2 read as follows:

3 17. Any person or corporation violating any provision of this act shall be  
4 liable to a penalty of \$200.00 for each offense and an additional penalty of  
5 \$25.00 for each day of continuance of violation after notice of the violation  
6 shall have been given to such person or corporation by *the State depart-*  
7 *ment* or the board of health having jurisdiction in the municipality in which  
8 such violation occurs, to be collected and enforced by summary proceedings  
9 for the collection of penalties pursuant to the "Penalty Enforcement Law."

1 8. Section 19 of the act of which this act is amendatory is amended to  
2 read as follows:

3 19. In case any water supply system or sewerage facilities or any part  
4 thereof is about to be, or is, or has been, erected or installed after the effec-  
5 tive date of this act in violation of any of the provisions of this act as afore-  
6 said, such erection or installation is hereby declared to be a nuisance and  
7 *the State department* or the board having jurisdiction in the municipality in  
8 which the realty improvement is situate, may institute a civil action for an  
9 injunction to prohibit the further violations of this act in any court of com-  
10 petent jurisdiction, which court shall have power to order an abatement of  
11 such nuisance, and to prevent its further maintenance, and any further viola-  
12 tion of this act, by injunction or otherwise according to the practice of said  
13 court.

1 9. This act shall take effect immediately.

FOR RELEASE: September 13, 1966

FROM: Office of the Governor

The following memorandum has been sent by Governor Hughes to Dr. Kandle concerning some of the land development problems in the Tocks Island Area.

Governor Richard J. Hughes

To: Honorable Roscoe P. Kandle  
Commissioner of Health

September 13, 1966

It has been brought to my attention that various land areas located within the proposed Delaware Water Gap National Recreation Area are being developed for residential use on a speculative basis. In fact, some of the developers in the area are promoting the sale of residential property within the proposed park area on the basis that any investment made therein would have to be re-purchased by the federal government, presumably at a profit.

I am concerned about the unnecessary development of this area and, more importantly, the development of this area in a manner inconsistent with basic public health standards. This year, we were fortunate in being able to enact, after more than four years of effort, the provisions of Senate Bill No. 103 (c. 143, P. L. 1966). Under this act, the State Department of Health is empowered to study the various geographical areas of the State to determine whether any such areas should be restricted as to the types of sewerage facilities which may be thereafter constructed in such areas. I am, therefore, requesting the Department to undertake such a study of the geographical areas encompassed in the proposed park area to make certain that no land development is permitted in the National Recreational Area unless it conforms with strict public health standards concerning sewerage and water pollution controls. I would hope the Department would give this study the highest possible priority and report its findings to me at the earliest date.

If the study should reveal that restrictions are required in the area under review, I would be prepared to meet and discuss any proposed restrictions with representatives of the Department so that these safeguards could be imposed in a prompt, orderly fashion.

R. J. H.