

SENATE, No. 975

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1996

By Senator EWING

1 AN ACT authorizing municipalities to create snow removal districts,
2 amending P.L.1989, c.299 (C.40:67-23.2 et seq.) and
3 supplementing chapter 67 of Title 40 of the Revised Statutes.

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

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8 1. (New section) The governing body of any municipality may, by
9 ordinance and subject to the approval of the Director of the Division
10 of Local Government Services in the Department of Community
11 Affairs, set off and create within its boundaries one or more districts,
12 covering all or a portion of the area of the municipality, which district
13 shall be known as a snow removal district. The governing body may,
14 by ordinance and subject to the approval of the Director of the
15 Division of Local Government Services in the Department of
16 Community Affairs, alter the boundaries of any snow removal district
17 so created. A snow removal district created pursuant to this section
18 shall be a local unit subject to the provisions of the "Local Public
19 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

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21 2. (New section) The governing body of a municipality which
22 creates a snow removal district or districts pursuant to the provisions
23 of section 1 of P.L. , c. (C.) (pending before the Legislature
24 as this bill) shall either by contract subject to the provisions of the
25 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.),
26 or through utilization of its employees, material and labor, provide for
27 the removal of snow within a snow removal district.

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29 3. (New section) The governing body of the municipality annually
30 shall determine the amount of money necessary for the support of the
31 snow removal district. The amount so determined shall be assessed on
32 the value of all taxable property within the district and collected as
33 taxes are collected and be controlled and expended by the municipality
34 for the purposes herein specified. The ordinance which creates 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.

1 snow removal district shall specify that any assessment made pursuant
2 to this section is to be used solely to provide for the support of the
3 snow removal district. Any tax levied and collected to provide for the
4 payment of the cost of snow removal shall appear as a separate item
5 on the municipal tax bill. The collector shall pay the same to the
6 municipal treasurer, to be applied only to the purposes for which it is
7 raised. Within 10 days following the adoption of an ordinance
8 pursuant to this section, the municipality shall forward a copy of the
9 ordinance to the Director of the Division of Local Government
10 Services in the Department of Community Affairs. The budget for the
11 snow removal district shall be introduced and adopted concurrently
12 with the budget resolution.

13 A municipality which creates a snow removal district pursuant to
14 section 1 of P.L. ,c. (C.) (pending before the Legislature
15 as this act) may provide a loan of funds to the snow removal district
16 in any year in which the budget for the snow removal district is
17 insufficient, due to circumstances beyond the control of the snow
18 removal district, to fully fund the expenses of snow removal within the
19 district.

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21 4. (New section) All moneys assessed and levied pursuant to
22 section 3 of P.L. , c. (C.) (pending before the Legislature
23 as this bill) shall be a lien upon the land against which they are
24 assessed in the same manner that taxes are made a lien against land
25 pursuant to Title 54 of the Revised Statutes, and the payment thereof
26 shall be enforced within the same time and in the same manner and by
27 the same proceedings as the payment of taxes is otherwise enforced by
28 the Division of Taxation under Title 54 of the Revised Statutes.

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30 5. Section 2 of P.L.1989, c.299 (C.40:67-23.3) is amended to read
31 as follows:

32 2. a. Except as otherwise provided in subsection b. of this section,
33 the governing body of every municipality shall reimburse a qualified
34 private community for the following services provided generally
35 throughout the municipality when paid for through general municipal
36 revenues, as provided in sections 4 and 5 of P.L.1989, c.299
37 (C.40:67-23.5 and C.40:67-23.6), or provide the following services
38 within a qualified private community in the same fashion as the
39 municipality provides these services on public roads and streets when
40 paid for through general municipal revenues:

41 (1) Removal of snow, ice and other obstructions from the roads
42 and streets;

43 (2) Lighting of the roads and streets, to the extent of payment for
44 the electricity required, but not including the installation or
45 maintenance of lamps, standards, wiring or other equipment; and

46 (3) Collection of leaves and recyclable materials along the roads

1 and streets and the collection or disposal of solid waste along the
2 roads and streets.

3 b. Nothing in P.L.1989, c.299 (C.40:67-23.2 et seq.) shall require
4 a municipality to operate any municipally owned or leased vehicles or
5 other equipment, or to provide any of the services enumerated in
6 subsection a. of this section, upon, along or in relation to any road or
7 street in a qualified private community which either (1) is not accepted
8 for dedication to public use or (2) does not meet all municipal
9 standards and specifications for such dedication, except for width.

10 c. The Director of the Division of Local Government Services in
11 the Department of Community Affairs, for the purpose of calculating
12 the allowable operating appropriations before exceptions pursuant to
13 section 2 of P.L.1976, c.68 (C.40A:4-45.2), shall provide a cap base
14 adjustment to the total general appropriations of the local budget year
15 prior to the year in which the services are first provided by the
16 municipality for the full amount appropriated pursuant to P.L.1989,
17 c.299 (C.40:67-23.2 et seq.).

18 (cf: P.L.1993, c.6, s.1)

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20 6. This act shall take effect immediately.

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STATEMENT

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25 This bill authorizes municipalities, by ordinance and with the
26 approval of the Director of the Division of Local Government Services
27 in the Department of Community Affairs, to create snow removal
28 districts. The bill further provides for the assessment, levying and
29 collection of a tax from the property taxpayers in a snow removal
30 district for the support of the snow removal district.

31 The bill also amends the law commonly referred to as the "condo
32 services act," P.L.1989, c.299 (C.40:67-23.2 et seq.) to clarify that the
33 services to be provided to qualified private communities under that
34 act, including but not limited to snow removal, are those services
35 provided generally throughout a municipality and supported by general
36 municipal revenues.

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Authorizes municipalities to create snow removal districts.