

[First Reprint]  
SENATE, No. 1680

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Senators KOSCO and GIRGENTI

1 AN ACT concerning transportation and <sup>1</sup>[supplementing Title 27 of the  
2 Revised Statutes] amending R.S.40:48-1<sup>1</sup>.

3

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

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7 1. <sup>1</sup>[The Department of Transportation, the New Jersey Transit  
8 Corporation or a toll road authority shall not establish or expand either  
9 directly or through a contract or agreement a park-and-ride lot or  
10 facility adjacent to a public or private school.]

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

12 40:48-1. Ordinances; general purpose

13 The governing body of every municipality may make, amend, repeal  
14 and enforce ordinances to:

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

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

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

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

**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:**

<sup>1</sup> Senate SLP committee amendments adopted November 18, 1996 .

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

7 Maintain order. 6. Prevent vice, drunkenness and immorality;  
8 to preserve the public peace and order; to prevent and quell riots,  
9 disturbances and disorderly assemblages;

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

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

16 Swimming; bathing costume. 9. Regulate or prohibit swimming  
17 or bathing in the waters of, in, or bounding the municipality, and to  
18 regulate or prohibit persons from appearing upon the public streets,  
19 parks and places clad in bathing costumes or robes, or costumes of a  
20 similar character;

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

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

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

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

39 Inflammable materials; inspect docks and buildings. 14.  
40 Regulate the use, storage, sale and disposal of inflammable or  
41 combustible materials, and to provide for the protection of life and  
42 property from fire, explosions and other dangers; to provide for  
43 inspections of buildings, docks, wharves, warehouses and other  
44 places, and of goods and materials contained therein, to secure the  
45 proper enforcement of such ordinance;

46 Dangerous structures; removal or destruction; procedure. 15.

1 Provide for the removal or destruction of any building, wall or  
2 structure which is or may become dangerous to life or health, or  
3 might tend to extend a conflagration; and to assess the cost thereof as  
4 a municipal lien against the premises;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Fences. 29. Regulate the size, height and dimensions of any  
23 fences between the lands of adjoining owners, whether built or erected  
24 as division or partition fences between such lands, and whether the  
25 same exist or be erected entirely or only party upon the lands of any  
26 such adjoining owners, or along or immediately adjacent to any  
27 division or partition line of such lands. To provide, in such ordinance,  
28 the manner of securing, fastening or shoring such fences. In the case  
29 of fences thereafter erected contrary to the provisions thereof, the  
30 governing body may provide for a penalty for the violation of such  
31 ordinance, and in the case of such fence or fences erected or existing  
32 at the time of the passage of any such ordinance, may provide therein  
33 for the removal, change or alteration thereof, so as to make such  
34 fence or fences comply with the provisions of any such ordinance;

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

37 Park-and-Ride Lots and Facilities. 31. Prohibit the establishment  
38 or expansion, either directly or through a contract or agreement, and  
39 establish conditions for the operation of a park-and-ride lot or facility  
40 operated by the Department of Transportation, the New Jersey Transit  
41 Corporation or a toll road authority adjacent to a public or private  
42 school.<sup>1</sup>

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

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45 2. This act shall take effect immediately.

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3 Permits municipality to prohibit expansion of park-and-ride lot or  
4 facility adjacent to public or private school.