

P.L. 2021, CHAPTER 255, *approved October 27, 2021*

Senate, No. 818

1 **AN ACT** concerning the transmittal of certain county ordinances and
2 amending P.L.1972, c.154

3

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

6

7 1. Section 101 of P.L.1972, c.154 (C.40:41A-101) is amended
8 to read as follows:

9 101. a. An ordinance shall mean any act or regulation of the
10 board, except an expense budget or capital budget, required to be
11 reduced to writing, published after introduction, and considered for
12 final passage after public hearing at a meeting subsequent to the
13 meeting at which it was introduced;

14 b. Except as otherwise provided by general law the procedure
15 for the passage of ordinances shall be as follows:

16 (1) Every ordinance after being introduced and having passed a
17 first reading, which first reading may be by title, shall be published
18 in its entirety, or by title, or by title and summary, at least once in the
19 manner provided by section 142 of P.L.1972, c.154 (C.40:41A-142),
20 together with a notice of the introduction thereof and the time and
21 place when and where it will be further considered for final passage,
22 and shall consist of a clear and concise statement prepared by the
23 clerk of the board of chosen freeholders setting forth the purpose of
24 the ordinance, and the time and place when and where a copy of the
25 ordinance can be obtained without cost by any member of the general
26 public who wants a copy of the ordinance. If there be only one such
27 publication the same shall be at least 1 week prior to the time fixed
28 for further consideration for final passage. If there be more than one
29 publication, the first shall be at least 1 week prior to the time fixed
30 for further consideration for final passage. A copy of the proposed
31 ordinance shall also be sent by regular mail, or by electronic mail, to
32 the clerk of each municipality in the county not less than 1 week prior
33 to the date of hearing.

34 (2) At the time and place so stated in such publication, or at any
35 time and place to which the meeting for the further consideration of
36 the ordinance shall from time to time be adjourned, all persons
37 interested shall be given an opportunity to be heard concerning the
38 ordinance. Final passage thereof shall be at least 10 days from the
39 first reading.

40 (3) Upon the opening of the hearing, the ordinance shall be given
41 a second reading, which reading may be by title, and thereafter, it
42 may be passed by a majority of the whole number of the board, with

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

Matter underlined thus is new matter.

1 or without amendments, or rejected. Prior to the said second reading,
2 a copy of the ordinance shall be posted on the bulletin board or other
3 place upon which public notices are customarily posted in the
4 building in which the board regularly meets, and copies of the
5 ordinance shall be made available to members of the general public
6 who shall request such copies. If any amendment be adopted, altering
7 the ordinance, the ordinance as so amended shall not be finally
8 adopted until at least 1 week thereafter, and the ordinance as amended
9 shall be read at a meeting of the board, which reading may be by title,
10 and shall be published in its entirety, or by title, or by title and
11 summary, together with a notice of the introduction, the time and
12 place when and where a copy of the ordinance can be obtained
13 without cost by any member of the general public who wants a copy
14 of the ordinance, a clear and concise statement prepared by the clerk
15 of the board of chosen freeholders setting forth the purpose of the
16 ordinance, and the time and place when and where the amended
17 ordinance will be further considered for final passage, at least 2 days
18 prior to the time so fixed. At the time and place so fixed, or at any
19 other meeting to which the further consideration of the amended
20 ordinance may be adjourned, the board may proceed to pass the
21 ordinance, as amended, or again amend it in the same manner.

22 (4) Upon passage, every ordinance, or the title, or the title and a
23 summary, together with a notice of the date of passage or approval,
24 or both, shall be published at least once in the manner provided by
25 section 142 of P.L.1972, c.154 (C.40:41A-142).

26 (5) One certified copy of the full text of every ordinance so
27 adopted shall be filed with the clerk of each municipality within the
28 county not later than 10 days after the date of final passage.

29 (6) The board may enact, amend or supplement ordinances
30 establishing, amending or supplementing a code or any parts thereof,
31 not inconsistent with law, by reference to such code in any such
32 ordinance and without inclusion of the text thereof in such ordinance
33 if the code to be adopted and any related documents are printed in
34 book form and a copy of such printed code and related documents so
35 marked as to indicate plainly what portion thereof, if less than the
36 whole, is intended to be adopted, is annexed to such ordinance and if
37 such code and related documents or such portion thereof as is
38 intended to be adopted is so described in said ordinance as to identify
39 them and there is indicated in said description the common or trade
40 name, if any, of such code and related documents and it is stated in
41 the ordinance that one copy of said code and said related documents,
42 similarly marked, have been placed on file in the office of the clerk
43 of said board, upon the introduction of said ordinance and will remain
44 on file there until final action is taken on said ordinance, for the use
45 and examination of the public.

46 It shall not be necessary to publish any such code or related
47 documents, so to be adopted, as part of any such ordinance

1 notwithstanding that a printed copy thereof is annexed thereto, either
2 before or after the final passage of such ordinance, if said printed
3 copy is filed as aforesaid. The board of freeholders however may
4 order the publication of said code or a synopsis in the manner
5 provided by section 142 of P.L.1972, c.154 (C.40:41A-142) if it is
6 deemed that such procedure will be in the public interest because of
7 the content and importance of the provisions of the code.

8 If any such ordinance is adopted, the said copy of said code and
9 related documents shall remain on file in said office, so long as said
10 ordinance is in effect, and one certified copy shall be placed on file
11 and shall remain on file in the office of each clerk of each
12 municipality within the county, for the use and examination of the
13 public so long as said ordinance is in effect and printed copies of said
14 ordinance and said code and related documents shall be made
15 available to citizens on request and for which a reasonable fee may
16 be charged.

17 For the purpose of proof of any such ordinance or receipt thereof
18 in evidence in all courts and places, such copy of such code and
19 related documents, so marked and annexed to such ordinance, shall
20 be construed to be part of said ordinance, as fully as though it had
21 been set forth at length therein.

22 (7) The board may prescribe penalties for the violation of
23 ordinances it may have authority to pass, either by imprisonment in
24 the county jail for any term not exceeding 90 days, or by a fine not
25 exceeding \$500.00, or both. The court before which any person is
26 convicted of violating any such ordinance shall have power to impose
27 any fine or term of imprisonment not exceeding the maximum fixed
28 in such ordinance.

29 Any person convicted of the violation of any ordinance may, in
30 the discretion of the court by which he was convicted, and in default
31 of the payment of any fine imposed therefor, be imprisoned in the
32 county jail for any term not exceeding 90 days for such default.

33 c. No ordinance shall take effect less than 20 days after its final
34 passage by the board and approval by the county executive, or
35 supervisor or board chairman or president, where such approval is
36 required, unless the board shall adopt a resolution declaring an
37 emergency and at least two-thirds of all the members of the board
38 vote in favor of such resolution.

39 (cf: P.L.2013, c.118, s.1)

40
41 2. This act shall take effect immediately.
42
43
44
45

46 Permits transmittal of certain proposed county ordinances by
47 electronic mail.