

ASSEMBLY, No. 388

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

SYNOPSIS

Permits municipalities to charge a fee to cover ancillary costs of traffic control; limits fee.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning municipal charges for construction site traffic
2 direction, and amending P.L.1975, c.291.

3

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

6

7 1. Section 9 of P.L.1975, c. 291 (C.40:55D-18) is amended to
8 read as follows:

9 9. Enforcement. a. The governing body of a municipality shall
10 enforce this act and any ordinance or regulation made and adopted
11 hereunder. To that end, the governing body may require the
12 issuance of specified permits, certificates or authorizations as a
13 condition precedent to (1) the erection, construction, alteration,
14 repair, remodeling, conversion, removal or destruction of any
15 building or structure, (2) the use or occupancy of any building,
16 structure or land, and (3) the subdivision or resubdivision of any
17 land; and shall establish an administrative officer and offices for the
18 purpose of issuing such permits, certificates or authorizations; and
19 may condition the issuance of such permits, certificates and
20 authorizations upon the submission of such data, materials, plans,
21 plats and information as is authorized hereunder and upon the
22 express approval of the appropriate State, county or municipal
23 agencies; and may establish reasonable fees to cover administrative
24 costs for the issuance of such permits, certificates and
25 authorizations. The administrative officer shall issue or deny a
26 zoning permit within 10 business days of receipt of a request
27 therefor. If the administrative officer fails to grant or deny a zoning
28 permit within this period, the failure shall be deemed to be an
29 approval of the application for the zoning permit. In case any
30 building or structure is erected, constructed, altered, repaired,
31 converted, or maintained, or any building, structure or land is used
32 in violation of this act or of any ordinance or other regulation made
33 under authority conferred hereby, the proper local authorities of the
34 municipality or an interested party, in addition to other remedies,
35 may institute any appropriate action or proceedings to prevent such
36 unlawful erection, construction, reconstruction, alteration, repair,
37 conversion, maintenance or use, to restrain, correct or abate such
38 violation, to prevent the occupancy of said building, structure or
39 land, or to prevent any illegal act, conduct, business or use in or
40 about such premises.

41 b. Whenever a municipality determines that the services of a
42 municipal police officer or officers to direct traffic around a
43 construction site are necessary, the municipality shall be permitted
44 to charge a fee to cover the ancillary costs associated with
45 providing such services, provided that the fee shall not be greater

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 than an amount equal to 10 percent of the total compensation paid
2 to the police officer or officers while performing the services. The
3 provisions of this subsection shall apply regardless of whether the
4 services are performed by on-duty or off-duty police officers.
5 (cf: P.L.2001, c.49, s.1)
6

7 2. This act shall take effect immediately.
8
9

10 STATEMENT
11

12 This bill authorizes a municipality to charge a fee to cover its
13 ancillary costs in providing police officers to direct traffic around
14 construction sites, pursuant to the enforcement powers granted
15 under the “Municipal Land Use Law.” The bill also provides that
16 such a fee may not be greater than 10 percent of the costs of the
17 compensation paid to the police officers who perform the services.
18 It has been reported that some municipalities have been charging
19 unreasonably high fees in connection with the related costs of
20 traffic control around construction sites. While recognizing the
21 costs associated with traffic directing in addition to police
22 personnel, the bill establishes a reasonable standard for all
23 municipalities to follow concerning the charging of ancillary
24 amounts.