

# ASSEMBLY, No. 2284

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

**Sponsored by:**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**Co-Sponsored by:**

**Assemblymen Space, Wirths and Freiman**

**SYNOPSIS**

Permits transmittal of certain proposed county ordinances by electronic mail.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/20/2021)**

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:

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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  
19 the manner provided by section 142 of P.L.1972, c.154 (C.40:41A-  
20 142), together with a notice of the introduction thereof and the time  
21 and place when and where it will be further considered for final  
22 passage, and shall consist of a clear and concise statement prepared  
23 by the clerk of the board of chosen freeholders setting forth the  
24 purpose of the ordinance, and the time and place when and where a  
25 copy of the ordinance can be obtained without cost by any member  
26 of the general public who wants a copy of the ordinance. If there be  
27 only one such publication the same shall be at least 1 week prior to  
28 the time fixed for further consideration for final passage. If there be  
29 more than one publication, the first shall be at least 1 week prior to  
30 the time fixed for further consideration for final passage. A copy of  
31 the proposed ordinance shall also be sent by regular mail, or by  
32 electronic mail, to the clerk of each municipality in the county not  
33 less than 1 week prior 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  
41 given a second reading, which reading may be by title, and  
42 thereafter, it may be passed by a majority of the whole number of  
43 the board, with or without amendments, or rejected. Prior to the  
44 said second reading, a copy of the ordinance shall be posted on the  
45 bulletin board or other place upon which public notices are

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

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

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

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

45 It shall not be necessary to publish any such code or related  
46 documents, so to be adopted, as part of any such ordinance  
47 notwithstanding that a printed copy thereof is annexed thereto,  
48 either before or after the final passage of such ordinance, if said

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

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

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

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

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

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

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

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40 2. This act shall take effect immediately.

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#### STATEMENT

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45 This bill would permit certain proposed county ordinances to be  
46 sent to the clerk of each municipality in the county by regular mail  
47 or by electronic mail. Current law requires that a copy of a  
48 proposed county ordinance issued by the board of freeholders in an

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1 optional county charter county be sent by regular mail to the clerk  
2 of each municipality in the county. This bill would permit the use of  
3 electronic mail to provide a more efficient means of providing  
4 municipalities with copies of proposed county ordinances.