

ASSEMBLY, No. 3579

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Assemblyman STERLEY S. STANLEY
District 18 (Middlesex)

SYNOPSIS

Concerns expenses to municipalities for tree purchase, planting, and removal.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/27/2021)

1 **AN ACT** concerning tree purchase, planting, and removal expenses,
2 and amending N.J.S.40A:2-22 and N.J.S.40A:4-53.

3

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

6

7 1. N.J.S.40A:2-22 is amended to read as follows:

8 40A:2-22. The governing body of the local unit shall determine
9 the period of usefulness of any purpose according to its reasonable
10 life computed from the date of the bonds, which period shall not be
11 greater than the following:

12 a. Buildings and structures.

13 1. Bridges, including retaining walls and approaches, or
14 permanent structures of brick, stone, concrete or metal, or similar
15 durable construction, 30 years.

16 2. Buildings, including the original furnishings and equipment
17 therefor:

18 Class A: A building, of which all walls, floors, partitions,
19 stairs and roof are wholly of incombustible material, except the
20 window frames, doors, top flooring and wooden handrails on the
21 stairs, 40 years;

22 Class B: A building, the outer walls of which are wholly of
23 incombustible material, except the window frames and doors, 30
24 years;

25 Class C: A building which does not meet the requirements of
26 Class A or Class B, 20 years.

27 3. Buildings or structures acquired substantially reconstructed
28 or additions thereto, one-half the period fixed in this subsection for
29 such buildings or structures.

30 4. Additional furnishings, five years.

31 b. Marine improvements.

32 1. Harbor improvements, docks or marine terminals, 40 years.

33 2. Dikes, bulkheads, jetties or similar devices of stone,
34 concrete or metal, 15 years; of wood or partly of wood, 10 years.

35 c. Additional equipment and machinery.

36 1. Additional or replacement equipment and machinery, 15
37 years.

38 2. Voting machines, 15 years.

39 3. Information technology and telecommunications equipment,
40 7 years, except that for items with a unit cost of less than \$5,000, 5
41 years.

42 d. Real property.

43 1. Acquisition for any public purpose of lands or riparian
44 rights, or both, and the original dredging, grading, draining or
45 planting thereof, 40 years.

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 2. Improvement of airport, cemetery, golf course, park,
2 playground, 15 years.
- 3 3. Stadia of concrete or other incombustible materials, 20
4 years.
- 5 e. Streets or thoroughfares.
- 6 1. Elimination of grade crossings, 35 years.
- 7 2. Streets or roads:
- 8 Class A: Rigid pavement. A pavement of not less than eight
9 inches of cement concrete or a six-inch cement concrete base with
10 not less than three-inch bituminous concrete surface course, or
11 equivalent wearing surface, 20 years.
- 12 Flexible pavement. A pavement not less than 10 inches in depth
13 consisting of five-inch macadam base, three-inch modified
14 penetration macadam and three-inch bituminous concrete surface
15 course or other pavements of equivalent strength, in accordance
16 with the findings of the American Association of State Highway
17 Officials (AASHO) Road Test, 20 years.
- 18 Class B: Mixed surface-treated road. An eight-inch surface of
19 gravel, stone or other selected material under partial control mixed
20 with cement or lime and fly ash, six inches in compacted thickness
21 with bituminous surface treatment and cover, 10 years.
- 22 Bituminous penetration road. A five-inch gravel or stone base
23 course and a three-inch course bound with a bituminous or
24 equivalent binder, 10 years.
- 25 Class C: Mixed bituminous road. An eight-inch surface of
26 gravel, stone, or other selected material under partial control mixed
27 with bituminous material one inch or more in compacted thickness,
28 five years.
- 29 Penetration macadam road. A road of sand, gravel or water-
30 bound macadam, or surfacing with penetration macadam, five years.
- 31 3. Sidewalks, curbs and gutters of stone, concrete or brick, 10
32 years.
- 33 The period of usefulness in this subsection shall apply to
34 construction and reconstruction of streets and thoroughfares.
- 35 f. Utilities and municipal systems.
- 36 1. Sewerage system, whether sanitary or storm water, water
37 supply or distribution system, 40 years.
- 38 2. Electric light, power or gas systems, garbage, refuse or ashes
39 incinerator or disposal plant, 25 years.
- 40 3. Communication and signal systems, 10 years.
- 41 4. House connections to publicly-owned gas, water or sewerage
42 systems from the service main in the street to the curb or property
43 lines where not part of original installation, five years.
- 44 5. House connections to publicly-owned water systems, from
45 the distribution main onto privately-owned real property and into
46 the privately-owned structure, for the purpose of replacing lead-
47 contaminated house connections, so long as the project is (a)
48 undertaken as an environmental infrastructure project, as defined

1 under section 3 of P.L.1985, c.334 (C.58:11B-3), and (b) funded
2 either by loans from the New Jersey Infrastructure Bank, created
3 pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4), or by loans
4 issued through the Department of Environmental Protection, 30
5 years.

6 g. Vehicles and apparatus.

7 1. Fire engines, apparatus and equipment, when purchased
8 new, but not fire equipment purchased separately, 10 years.

9 2. Automotive vehicles, including original apparatus and
10 equipment (other than passenger cars and station wagons), when
11 purchased new, five years.

12 3. Major repairs, reconditioning or overhaul of fire engines and
13 apparatus, ambulances, rescue vehicles, and similar public safety
14 vehicles (other than passenger cars and station wagons) which may
15 reasonably be expected to extend for at least five years the period of
16 usefulness thereof, five years.

17 h. The closure of a sanitary landfill facility utilized, owned or
18 operated by a county or municipality, 15 years; provided that the
19 closure has been approved by the Board of Public Utilities and the
20 Department of Environmental Protection. For the purposes of this
21 subsection "closure" means all activities associated with the design,
22 purchase or construction of all measures required by the
23 Department of Environmental Protection, pursuant to law, in order
24 to prevent, minimize or monitor pollution or health hazards
25 resulting from sanitary landfill facilities subsequent to the
26 termination of operations at any portion thereof, including, but not
27 necessarily limited to, the costs of the placement of earthen or
28 vegetative cover, and the installation of methane gas vents or
29 monitors and leachate monitoring wells or collection systems at the
30 site of any sanitary landfill facility.

31 i. (Deleted by amendment, P.L.2007, c.62.)

32 j. The prefunding of a claims account for environmental
33 liability claims by an environmental impairment liability insurance
34 pool pursuant to P.L.1993, c.269 (C.40A:10-38.1 et al.), 20 years.

35 k. The purchase, and planting or removal, or both, of trees and
36 shrubbery, 15 years.

37 (cf: P.L.2018, c.114, s.4)

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39 2. N.J.S.40A:4-53 is amended to read as follows:

40 40A:4-53. A local unit may adopt an ordinance authorizing
41 special emergency appropriations for the carrying out of any of the
42 following purposes:

43 a. Preparation of an approved tax map.

44 b. Preparation and execution of a complete program of
45 revaluation of real property for the use of the local assessor, or of
46 any program to update and make current any previous revaluation
47 program when such is ordered by the county board of taxation.

48 c. Preparation of a revision and codification of its ordinances.

d. Engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State.

e. Preparation of drainage maps for flood control purposes.

f. Preliminary engineering studies and planning necessary for the installation and construction of a sanitary sewer system.

g. Authorized expenses of a consolidation commission established pursuant to the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.) or sections 25 through 29 of the "Uniform Shared Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-25 through C.40A:65-29).

h. Contractually required severance liabilities resulting from the layoff or retirement of employees. Such liabilities shall be paid without interest and, at the sole discretion of the local unit, may be paid in equal annual installments over a period not to exceed five years.

i. Preparation of a sanitary or storm system map.

j. Liabilities incurred to the Department of Labor and Workforce Development for the reimbursement of unemployment benefits paid to former employees.

k. Subject to approval by the Director of the Division of Local Government Services, non-recurring expenses incurred by a municipality to implement a consolidation with another municipality, or municipalities, pursuant to the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.); the sparsely populated municipalities law, P.L.1995, c.376 (C.40:43-66.78 et seq.); sections 25 through 29 of the "Uniform Shared Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-25 through C.40A:65-29); or N.J.S.40A:7-1 et seq., in the case of a consolidation effectuated through the annexation of land comprising an entire municipality or entire municipalities, to another municipality. The director shall approve the ordinance if he or she determines that the non-recurring expenses are reasonable and permissible by law and that the consolidation will result in long-term savings for the municipality.

l. The purchase, and planting or removal, or both, of trees and shrubbery following natural disaster.

A copy of all ordinances or resolutions as adopted relating to special emergency appropriations shall be filed with the director.

(cf: P.L.2017, c.101, s.1)

3. This act shall take effect immediately.

STATEMENT

This bill would allow the purchase, planting, and removal of trees and shrubbery to be categorized as capital expenditures. This

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1 would allow the municipality to issue 15 year bonds to address the
2 cost of the expenses.

3 This bill would also authorize a municipality to adopt an
4 ordinance authorizing special emergency appropriations for the cost
5 of purchasing, planting, and removing trees, following a natural
6 disaster. This authorization would allow the municipality to issue
7 special emergency notes to address the cost of the purchases.