

SENATE, No. 221

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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.

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

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

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

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

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

24 k. The purchase, and planting or removal, or both, of trees and
25 shrubbery, 15 years.

26 (cf: P.L.2007, c.62, s.17)

27
28 2. N.J.S.40A:4-53 is amended to read as follows:

29 40A:4-53. A local unit may adopt an ordinance authorizing
30 special emergency appropriations for the carrying out of any of the
31 following purposes:

32 a. Preparation of an approved tax map.

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

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

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

41 e. Preparation of drainage maps for flood control purposes.

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

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

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

6 i. Preparation of a sanitary or storm system map.

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

10 k. Subject to approval by the Director of the Division of Local
11 Government Services, non-recurring expenses incurred by a
12 municipality to implement a consolidation with another
13 municipality, or municipalities, pursuant to the "Municipal
14 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.); the
15 sparsely populated municipalities law, P.L.1995, c.376 (C.40:43-
16 66.78 et seq.); sections 25 through 29 of the "Uniform Shared
17 Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-25
18 through C.40A:65-29); or N.J.S.40A:7-1 et seq., in the case of a
19 consolidation effectuated through the annexation of land comprising
20 an entire municipality or entire municipalities, to another
21 municipality. The director shall approve the ordinance if he or she
22 determines that the non-recurring expenses are reasonable and
23 permissible by law and that the consolidation will result in long-
24 term savings for the municipality.

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

27 A copy of all ordinances or resolutions as adopted relating to
28 special emergency appropriations shall be filed with the director.
29 (cf: P.L.2017, c.101, s.1)

30
31 3. This act shall take effect immediately.

32 33 34 STATEMENT

35
36 This bill would allow the purchase, planting, and removal of
37 trees and shrubbery to be categorized as capital expenditures. This
38 would allow the municipality to issue 15 year bonds to address the
39 cost of the expenses.

40 This bill would also authorize a municipality to adopt an
41 ordinance authorizing special emergency appropriations for the cost
42 of purchasing, planting, and removing trees, following a natural
43 disaster. This authorization would allow the municipality to issue
44 special emergency notes to address the cost of the purchases.