

SENATE, No. 954

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Permits conversion of fines for violation of certain municipal ordinances into tax liens.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 **AN ACT** concerning the collection of fines for violations of certain
2 municipal ordinances and amending R.S.40:49-5.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.40:49-5 is amended to read as follows:

8 40:49-5. The governing body may prescribe penalties for the
9 violation of ordinances it may have authority to pass, by one or
10 more of the following: imprisonment in the county jail or in any
11 place provided by the municipality for the detention of prisoners,
12 for any term not exceeding 90 days; or by a fine not exceeding
13 \$2,000; or by a period of community service not exceeding 90 days.

14 The governing body may prescribe that for the violation of any
15 particular ordinance at least a minimum penalty shall be imposed
16 which shall consist of a fine which may be fixed at an amount not
17 exceeding \$100.

18 The governing body may prescribe that for the violation of an
19 ordinance pertaining to unlawful solid waste disposal at least a
20 minimum penalty shall be imposed which shall consist of a fine
21 which may be fixed at an amount not exceeding \$2,500 or a
22 maximum penalty by a fine not exceeding \$10,000.

23 The court before which any person is convicted of violating any
24 ordinance of a municipality shall have power to impose any fine,
25 term of imprisonment, or period of community service not less than
26 the minimum and not exceeding the maximum fixed in such
27 ordinance.

28 Any person who is convicted of violating an ordinance within
29 one year of the date of a previous violation of the same ordinance
30 and who was fined for the previous violation, shall be sentenced by
31 a court to an additional fine as a repeat offender. The additional
32 fine imposed by the court upon a person for a repeated offense shall
33 not be less than the minimum or exceed the maximum fine fixed for
34 a violation of the ordinance, but shall be calculated separately from
35 the fine imposed for the violation of the ordinance.

36 Any municipality which chooses not to impose an additional fine
37 upon a person for a repeated violation of any municipal ordinance
38 may waive the additional fine by ordinance or resolution.

39 Any person convicted of the violation of any ordinance may, in
40 the discretion of the court by which he was convicted, and in
41 default of the payment of any fine imposed therefor, be imprisoned
42 in the county jail or place of detention provided by the municipality,
43 for any term not exceeding 90 days, or be required to perform
44 community service for a period not exceeding 90 days.

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 Any municipality that chooses to impose a fine in an amount
2 greater than \$1,250 upon an owner for violations of housing or
3 zoning codes shall provide a 30-day period in which the owner shall
4 be afforded the opportunity to cure or abate the condition and shall
5 also be afforded an opportunity for a hearing before a court of
6 competent jurisdiction for an independent determination concerning
7 the violation. Subsequent to the expiration of the 30-day period, a
8 fine greater than \$1,250 may be imposed if a court has not
9 determined otherwise or, upon reinspection of the property, it is
10 determined that the abatement has not been substantially completed.

11 If a fine imposed as permitted by this section against an owner of
12 real property for a zoning or property maintenance violation
13 continues to be unpaid 10 days after the expiration of the time
14 period allowed for the owner to respond to the violation by curing,
15 abating, or appealing the violation, it may be filed with the county
16 clerk or the register of deeds and mortgages, as appropriate, as a
17 municipal lien against the property cited in the offense upon the
18 certification of the code enforcement officer who issued the
19 citation. Prior to filing an unpaid fine as a municipal lien against the
20 property pursuant to this section, the municipality shall serve
21 written notice to the property owner indicating that if the fine
22 remains unpaid it will be converted into a municipal lien, and shall
23 provide the owner the opportunity to pay the fine or request a
24 hearing before a court of competent jurisdiction. If the property
25 owner fails to respond in accordance with the notice and the unpaid
26 fine is filed as a municipal lien, the code enforcement officer shall
27 file a copy of the lien and certification with the municipal tax
28 collector. This lien shall be added to and become and form part of
29 the taxes next to be assessed and levied upon such dwelling or
30 lands, the same to bear interest at the same rate as taxes, and shall
31 be collected and enforced by the same officers and in the same
32 manner as taxes.

33 (cf: P.L.2005, c.269, s.1)

34

35 2. This act shall take effect on the first day of the seventh
36 month after enactment, and shall be applicable to all fines and
37 penalties unpaid as of that date.

38

39

40

STATEMENT

41

42 This bill amends R.S.40:49-5 to permit the conversion of
43 municipal court fines against an owner of real property for a zoning
44 or property maintenance violation into a municipal lien against the
45 property cited in the offense if the fine continues if the fine remains
46 unpaid 10 days after the expiration of the time period allowed for
47 the owner to respond to the violation. Prior to converting an unpaid
48 fine into a municipal lien, the municipality is required to notify a

1 property owner that the unpaid fine will be converted into a lien and
2 to provide the property owner with an opportunity to pay the fine or
3 request a hearing. If the property owner fails to respond in
4 accordance with the notice, the code enforcement officer shall file a
5 copy of the lien and certification with the municipal tax collector.
6 The lien shall be added to and become and form part of the taxes
7 next to be assessed and levied upon such dwelling or lands, the
8 same to bear interest at the same rate as taxes, and shall be collected
9 and enforced by the same officers and in the same manner as taxes.