

NEW JERSEY. COUNTY AND MUNICIPAL LAW  
REVISION COMMISSION.

New Jersey Revised Statutes. Title  
40A - Municipalities & Counties.

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NEW JERSEY REVISED STATUTES

TITLE 40A

MUNICIPALITIES AND COUNTIES

Second Legislative Report

by the

*N.J.* County and Municipal Law Revision Commission

to the

184th Legislature, 1960

Pursuant to P.L. 1956, c. 231

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SECOND REPORT  
of the  
COUNTY AND MUNICIPAL LAW REVISION COMMISSION

To the Senate and General Assembly  
of the State of New Jersey:

The County and Municipal Law Revision Commission submits its second legislative report herewith containing ninety-eight sections of Title 40 which it recommends be repealed forthwith.

As part of its task of revising Title 40 of the Revised Statutes, Municipalities and Counties, this Commission has determined to recommend from time to time the repeal of certain laws now contained in Title 40 which are obsolete and serve no useful statutory purpose but merely add to the unnecessary mass of legislation contained in the Title.

COUNTY PARK ACTS

An analysis of the county park system laws reveals the following six county park acts:

- R.S. 40:37-24 to 40:37-72, inclusive;
- R.S. 40:37-73 to 40:37-95, inclusive;
- R.S. 40:37-96 to 40:37-174, inclusive;
- R.S. 40:37-95.1 to 40:37-95.39, inclusive;

R.S. 40:37-175 to 40:37-194, inclusive;

R.S. 40:37-195 to 40:37-251, inclusive.

Of the twenty-one counties in this State, eight have park commissions that operate under the following laws:

<u>40:37-96 et seq.</u>	<u>40:37-95.1 et seq. (P.L. 1946, c. 276)</u>	<u>40:37-195 et seq.</u>
Essex	Somerset	Camden
Hudson	Bergen	
Union	Morris	
Passaic		

The remaining three laws, enacted in 1903, have never been used by any county. Although they were available for use in 1946, the counties desiring to establish park commissions during that year sought the enactment of new legislation rather than the utilization of the existing law. Thus Chapter 276 of the Laws of 1946 was adopted.

The Commission wrote to each county counsel and county park commission in the State, advising them of the consideration being given to the repeal of those county park commission acts not being used. The repeal of the three acts will in no way affect any existing operating county park commission, and will in no way interfere with those counties which do not have an existing park commission but may intend in the future to organize one.

Accordingly, the County and Municipal Law Revision Commission respectfully recommends that the repealers of the county park acts annexed hereto be enacted.

### VILLAGE LAW

The County and Municipal Law Revision Commission submits herewith a list of sections contained in the Village Law in Title 40 which it recommends be repealed. Of the four municipalities denominated as villages, South Orange, Loch Arbour, Ridgefield Park and Ridgewood, only South Orange fully operates under the village law. The repeal of these sections will in no way affect any municipality presently operating as a village.

The Commission wrote to the counsel of the Village of South Orange of its plan to recommend the repeal of the sections set out in the repealer annexed hereto. The counsel of that village has advised the Commission that the Village of South Orange would have no objection to their repeal.

40:157-1 to 40:157-15, inclusive, apply only to the incorporation of new villages. These sections cannot possibly have any application to villages presently in existence.

40:157-17 permits villages to make use of this section to shift to a slightly different form of village government. South Orange has not chosen to do so, and the Commission is informed that it has no wish to do so.

40:159-3 has no present usefulness for villages, since fire departments are provided for by R.S. 40:47-1.

40:159-4 and 40:159-5 provide for raising money by taxation and the keeping of ordinances as a public record and are a duplicate of other provisions of law applicable to all municipalities.

40:160-1 provides for the separation of villages from townships and, accordingly, its repeal will not affect any existing village.

40:162-1 to 40:162-5 relate to the appointment of an assessor of taxes and a board of assessors. This section is not being used, and in regard to the assessment problem and procedures, villages are subject to general acts of Title 40 applying to all municipalities.

40:164-1 permits villages to have control over parks. This specific power grant is unnecessary and is provided for under other sections in general grant of powers to all municipalities.

40:164-2 has no present usefulness and is covered under other general statutes applying to all municipalities.

40:166-1 to 40:166-4, inclusive. These sections relate to the abatement of nuisances. General legislation applicable to all municipalities covers these sections. See R.S. 40:48-1, Dangerous structures, and R.S. 40:48-2.3 to 40:48-2.14, inclusive.

Respectfully submitted,

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April, 1960.

An act repealing certain sections of the Village Law,  
Title 40 of the Revised Statutes.

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

1. The following sections of Title 40 of the Revised Statutes  
are hereby repealed:

40:157-1 to 40:157-15, inclusive;

40:157-17;

40:159-3 to 40:159-5, inclusive;

40:160-1;

40:162-1 to 40:162-5, inclusive;

40:164-1;

40:164-2;

40:166-1 to 40:166-4, inclusive.

2. This act shall become effective immediately.

#### STATEMENT OF PURPOSE

The County and Municipal Law Revision Commission recommends  
the repeal of the above sections of the Village Law for the reason  
that these sections are obsolete and are not being used by any  
village.

An act repealing certain county park acts contained in Title 40 of the Revised Statutes.

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

1. The following sections of the Revised Statutes are hereby repealed:

40:37-24 to 40:37-95, inclusive;

40:37-175 to 40:37-194, inclusive;

2. This act shall become effective immediately.

#### STATEMENT OF PURPOSE

The County and Municipal Law Revision Commission recommends the repeal of the above sections of the county park laws for the reason that these sections are obsolete and are not being used by any park commission.