

SENATE, No. 2646

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 25, 2011

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Authorizes incinerator authorities to perform sanitation, public works, and environmental services.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT expanding the permissible scope of operation of incinerator
2 authorities and amending P.L.1948, c.348.

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

6
7 1. Section 1 of P.L.1948, c.348 (C.40:66A-1) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "incinerator
10 or environmental services authorities law."

11 (cf: P.L.1948, c.348, s.1)

12

13 2. Section 2 of P.L.1948, c.348 (C.40:66A-2) is amended to
14 read as follows:

15 2. It is hereby declared to be in the public interest and to be the
16 policy of the State to foster and promote by all reasonable means
17 the health and welfare of the citizens thereof by the proper
18 collection and disposal of garbage and other refuse matter, as well
19 as by the performance of various other sanitation, public works and
20 environmental services necessary to maintain a clean, healthy, and
21 safe environment for all citizens.

22 (cf: P.L.1948, c.348, s.2)

23

24 3. Section 3 of P.L.1948, c.348 (C.40:66A-3) is amended to
25 read as follows:

26 3. As used in this act, unless a different meaning clearly
27 appears from the context:

28 (1) "Municipality" shall mean any city of any class, any
29 borough, village, town, township, or any other municipality other
30 than a county or a school district;

31 (2) "Governing body" shall mean the commission, council,
32 board or body, by whatever name it may be known, having charge
33 of the finances of the municipality;

34 (3) "Person" shall mean any person, association, corporation,
35 nation, State or any agency or subdivision thereof, municipality of
36 the State or an incinerator authority;

37 (4) "Incinerator authority" or "environmental services authority"
38 shall mean a public body created pursuant to section four of this act;

39 (5) Subject to the exceptions provided in the section four of this
40 act, "district" shall mean the area within the territorial boundaries of
41 the municipality or municipalities which created or joined in the
42 creation of an incinerator or environmental services authority;

43 (6) "Local unit" shall mean any municipality which created or
44 joined in the creation of an incinerator or environmental services
45 authority;

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 (7) "Garbage disposal system" shall mean the plants, structures
2 and other real and personal property acquired, constructed or
3 operated or to be acquired constructed or operated by an incinerator
4 or environmental services authority, including incinerators or other
5 plants for the treatment and disposal of garbage and refuse matter
6 and all other real and personal and rights therein and appurtenances
7 necessary or useful and convenient for the collection, treatment or
8 disposal in a sanitary manner of garbage and refuse matter (but not
9 including sewage).

10 (8) "Cost" shall mean, in addition to the usual connotations
11 thereof, the cost of acquisition or construction of all or any part of a
12 garbage disposal system of all or any property, rights, easements
13 and franchises deemed by the incinerator or environmental services
14 authority to be necessary or useful and convenient therefor,
15 including reimbursements to the incinerator or environmental
16 services authority or any municipality or other person of any
17 moneys theretofore expended for the purposes of the incinerator or
18 environmental services authority and including interest or discount
19 on bonds to finance such cost, engineering and inspection costs and
20 legal expenses, the cost of financial, professional and other advice,
21 and the cost of issuance of any such bonds;

22 (9) "Real property" shall mean lands both within and without
23 the State, and improvements thereof or thereon, or any rights or
24 interests therein;

25 (10) "Construct" and "construction" shall connote and include
26 acts of construction, reconstruction, replacement, extension,
27 improvement and betterment of a garbage disposal system;

28 (11) "Garbage or refuse matter" shall mean any refuse matter,
29 trash or garbage from residences, hotels, apartments or any other
30 public or private building but shall not include water-carried wastes,
31 industrial waste or the kinds of wastes usually collected, carried
32 away and disposed of by sewerage system.

33 (12) "Ordinance" means a written act of the governing body of a
34 municipality adopted and otherwise approved and published in the
35 manner or mode of procedure prescribed for ordinances tending to
36 obligate such municipality pecuniarily; **[and]**

37 (13) "Resolution" means a written act of the governing body of a
38 local unit adopted and otherwise approved in the manner or mode of
39 procedure prescribed for resolutions tending to obligate such local
40 unit pecuniarily; and

41 (14) "Environmental services" shall mean any and all services
42 relative to sanitation, recycling, park and other recreation area
43 maintenance, demolition, repair or maintenance of unsafe,
44 unsanitary, or unsound structures, automobile towing and impound,
45 municipal vehicle maintenance and repair and services related
46 thereto, street and road safety services, snow removal,
47 environmental compliance and education, services necessary or
48 appropriate for neighborhood beautification or environmental

1 improvement, and any other service relative to maintaining a
2 sanitary, safe, and healthy environment within a municipality.

3 (cf: P.L.1948, c.348, s. 3)

4
5 4. Section 4 of P.L.1948, c.348 (C.40:66A-4) is amended to
6 read as follows:

7 4. (a) The governing body of any municipality may, by
8 ordinance duly adopted, create a public body corporate and politic
9 under the name and style of "the incinerator authority" with all or
10 any significant part of the name of such municipality inserted. The
11 governing body of any municipality may, by ordinance duly
12 adopted, create a public body corporate and politic under the name
13 and style of the "environmental services authority" with all or any
14 significant part of the name of the municipality inserted. An
15 incinerator or environmental services authority created pursuant to
16 this section by a municipality other than a city of the first class shall
17 consist of five members, and an incinerator or environmental
18 services authority created pursuant to this section by a municipality
19 which is a city of the first class shall consist of five or seven
20 members, as determined by the governing body. Members of the
21 incinerator or environmental services authority shall be appointed
22 by resolution of the governing body as hereinafter in this section
23 provided, and the authority shall constitute the incinerator or
24 environmental services authority contemplated and provided for in
25 this act and an agency and instrumentality of said municipality.
26 After the taking effect of such ordinance and the filing of a certified
27 copy thereof as in subsection (c) of this section provided, the
28 members of the incinerator or environmental services authority
29 shall be appointed. The members first appointed shall, by the
30 resolution of appointment, be designated to serve for terms
31 respectively expiring as follows: the terms of the first four members
32 shall expire in turn on each of the first days of the first, second,
33 third and fourth Februaries next ensuing after the date of their
34 appointment, and the remaining members shall be designated to
35 serve for terms expiring on the first day of the fifth February next
36 ensuing after the date of their appointment. On or after the first day
37 of January in each year after such first appointments, one person
38 shall be appointed or reappointed as a member of the incinerator or
39 environmental services authority to succeed each member whose
40 term is expiring, and shall serve for a term commencing on the first
41 day of February in such year and expiring on the first day of
42 February in the fifth year after such year. In the event of a vacancy
43 in the membership of the incinerator or environmental services
44 authority occurring during an unexpired term of office, a person
45 shall be appointed as a member of the incinerator or environmental
46 services authority to serve for such unexpired term.

47 The governing body of a municipality which is a city of the first
48 class may increase the membership of its incinerator or

1 environmental services authority to seven members from five
2 members. The two additional members shall be appointed to serve
3 five-year terms, commencing on the February 1 next following their
4 appointment and expiring on February 1 in the fifth year after their
5 appointment.

6 (b) The governing bodies of any two or more municipalities,
7 whether or not the areas of such municipalities comprise an integral
8 body of territory, may, by parallel ordinances duly adopted by each
9 of such governing bodies within any single calendar year, create a
10 public body corporate and politic under the name and style of "the
11 incinerator authority" with all or any significant part of the name of
12 each such municipality or some identifying geographical phrase
13 inserted. The governing bodies of any two or more municipalities,
14 whether or not the areas of such municipalities comprise an integral
15 body of territory, may, by parallel ordinances duly adopted by each
16 of such governing bodies within any single calendar year, create a
17 public body corporate and politic under the name and style of "the
18 environmental services authority" with all or any significant part of
19 the name of each such municipality or some identifying
20 geographical phrase inserted. Said body shall consist of the
21 members thereof, in an aggregate number determined as hereinafter
22 in this subsection provided, who shall be appointed by resolution of
23 the several governing bodies as hereinafter in this section provided,
24 and it shall constitute the incinerator or environmental services
25 authority contemplated and provided for in this act and an agency
26 and instrumentality of the said municipalities. The number of
27 members of the incinerator or environmental services authority to
28 be appointed at any time for full terms of office by the governing
29 body of any such municipality or municipalities, as the case may be,
30 shall be as may be stated in said ordinances which shall be not less
31 than one nor more than three. After the taking effect of the said
32 ordinances of all such municipalities and after the filing of certified
33 copies thereof as in subsection (c) of this section provided, the
34 appropriate number of persons shall be appointed as members of the
35 incinerator or environmental services authority by the governing
36 body of each municipality. The members first appointed or to be
37 first appointed shall serve for terms expiring on the first day of the
38 fifth February next ensuing after the date of the first appointment of
39 any member. On or after the first day of January in the year in
40 which expires the terms of the said members first appointed and in
41 every fifth year thereafter, the appropriate number of persons shall
42 be appointed as members of the incinerator or environmental
43 services authority by the governing body of each municipality, to
44 serve for terms commencing on the first day of February in such
45 year and expiring on the first day of February in the fifth year after
46 such year. In the event of a vacancy in the membership of the
47 incinerator or environmental services authority occurring during an
48 unexpired term of office, a person shall be appointed as a member

1 of the incinerator or environmental services authority to serve for
2 such unexpired term by the governing body which made the original
3 appointment for such unexpired term.

4 (c) A copy of each ordinance for the creation of an incinerator
5 or environmental services authority adopted pursuant to this
6 section, duly certified by the appropriate officer of the local unit,
7 shall be filed in the office of the Secretary of State. Upon proof of
8 such filing of a certified copy of the ordinance or of certified copies
9 of the parallel ordinances for the creation of an incinerator or
10 environmental services authority as aforesaid, the incinerator or
11 environmental services authority therein referred to shall, in any
12 suit, action or proceeding involving the validity or enforcement of,
13 or relating to, any contract or obligation or act of the incinerator or
14 environmental services authority, be conclusively deemed to have
15 been lawfully and properly created and established and authorized
16 to transact business and exercise its powers under this act. A copy
17 of any such certified ordinance, duly certified by or on behalf of the
18 Secretary of State, shall be admissible in evidence in any suit,
19 action or proceeding.

20 (d) A copy of each resolution appointing any member of an
21 incinerator or environmental services authority adopted pursuant to
22 this section, duly certified by the appropriate officer of the local
23 unit, shall be filed in the office of the Secretary of State. A copy of
24 such certified resolution, duly certified by or on behalf of the
25 Secretary of State, shall be admissible in evidence in any suit,
26 action or proceeding and, except in a suit, action or proceeding
27 directly questioning such appointment, shall be conclusive evidence
28 of the due and proper appointment of the members named therein.

29 (e) No governing body which may create or join in the creation
30 of any incinerator or environmental services authority pursuant to
31 this section shall thereafter create or join in the creation of any
32 other incinerator or environmental services authority. No governing
33 of any municipality within a district shall create or join in the
34 creation of any incinerator or environmental services authority
35 except upon the written consent of the incinerator or environmental
36 services authority and in accordance with the terms and conditions
37 of such consent, and in the event such consent be given and an
38 incinerator or environmental services authority be created pursuant
39 thereto, the area within the territorial boundaries of such
40 municipality shall not thereafter be part of the district.

41 (cf: P.L.1948, c.348, s.4)

42

43 5. Section 5 of P.L.1948, c.348 (C.40:66A-5) is amended to
44 read as follows:

45 5. (a) The powers of an incinerator or environmental services
46 authority shall be vested in the members thereof in office from time
47 to time. A majority of the entire authorized membership of the
48 incinerator or environmental services authority shall constitute a

1 quorum at any meeting thereof. Action may be taken and motions
2 and resolutions adopted by the incinerator or environmental
3 services authority at any meeting of the members thereof by vote of
4 a majority of the members present, unless in any case the by-laws of
5 the incinerator or environmental services authority shall require a
6 large number. The incinerator or environmental services authority
7 may delegate to one or more of its officers, agents or employees
8 such powers and duties as it may deem proper.

9 (b) Each member of an incinerator or environmental services
10 authority shall hold office for the term for which he was appointed
11 and until his successor has been appointed and has qualified.

12 (c) No member, officer or employee of an incinerator or
13 environmental services authority shall have or acquire any interest,
14 direct or indirect, in the garbage disposal system in any property
15 included or planned to be included in the garbage disposal system
16 or in any contract or proposed contract for materials or services to
17 be furnished to or used by the incinerator or environmental services
18 authority, but neither the holding of any officer or employment in
19 the government of any municipality or under any law of the State
20 nor the owning of any property within the State shall be deemed a
21 disqualification for membership in or employment by an incinerator
22 or environmental services authority. A member of an incinerator or
23 environmental services authority may be removed only by the
24 governing body by which he was appointed and only for
25 inefficiency or neglect of duty or misconduct in office and after he
26 shall have been given a copy of the charges against him and, not
27 sooner than ten days thereafter, had opportunity in person or by
28 counsel to be heard thereon by such governing body.

29 (d) An incinerator or environmental services authority may
30 reimburse its members for necessary expenses incurred in the
31 discharge of their duties. The ordinance or parallel ordinances for
32 the creation of an incinerator or environmental services authority
33 may provide that the members of the incinerator or environmental
34 services authority may receive compensation for their services
35 within an annual and other limitations to be stated in such ordinance
36 or parallel ordinances, and in that event, each member may receive
37 from the incinerator or environmental services authority such
38 compensation for his services as the incinerator or environmental
39 services authority may determine within the limitations stated in
40 such ordinance or parallel ordinances. No member of any
41 incinerator or environmental services authority shall receive any
42 compensation for his services except as provided in this subsection.

43 (e) Every incinerator or environmental services authority, upon
44 the first appointment of its members and thereafter on or after the
45 first day of February in each year, shall annually elect from among
46 its members a chairman and a vice-chairman who shall hold office,
47 until the first day of February next ensuing and until their respective
48 successors have been appointed and have qualified. Every

1 incinerator or environmental services authority may also appoint
2 and employ a secretary and such professional and technical advisers
3 and experts and such other officers, agents and employees as it may
4 require, and it shall determine their qualifications, duties and
5 compensation.

6 (cf: P.L.1948, c.348, s.5)

7

8 6. Section 6 of P.L.1948, c.348 (C.40:66A-6) is amended to
9 read as follows:

10 6. Every incinerator or environmental services authority is
11 hereby authorized and directed, subject to the limitations of this act,
12 to acquire, in its own name but for the local unit or units, by
13 purchase, gift, condemnation or otherwise, and, notwithstanding the
14 provisions of any charter, ordinance or resolution of any county or
15 municipality to the contrary, to construct, maintain, operate and use
16 such incinerators, treatment plants or works at such places, and such
17 other plants, structures, property and conveyances, as in the
18 judgment of the incinerator or environmental services authority will
19 provide an effective and satisfactory method for promoting the
20 purposes of the incinerator or environmental services authority.

21 (cf: P.L.1948, c.348, s.6)

22

23 7. Section 7 of P.L.1948, c.348 (C.40:66A-7) is amended to
24 read as follows:

25 7. Every incinerator or environmental services authority shall
26 be a public body politic and corporate constituting a political
27 subdivision of the State established as an instrumentality exercising
28 public and essential governmental functions to provide for the
29 public health and welfare and shall have perpetual succession and
30 have the following powers:

31 (1) To adopt and have a common seal and to alter the same at
32 pleasure;

33 (2) To sue and to be sued;

34 (3) In the name of the incinerator or environmental services
35 authority and on its behalf, to acquire, hold, use and dispose of its
36 service charges and other revenues and other moneys;

37 (4) In the name of the incinerator or environmental services
38 authority but for the local unit or unit, to acquire, hold, use and
39 dispose of other personal property for the purposes of the
40 incinerator or environmental services authority;

41 (5) In the name of the incinerator or environmental services
42 authority but for the local unit or units, to acquire by purchase, gift,
43 condemnation or otherwise, real property and easements therein,
44 necessary or useful and convenient for the purposes of the
45 incinerator or environmental services authority, and subject to
46 mortgages, deeds of trust or other liens, or otherwise, and to hold
47 and to use the same, and to dispose of property so acquired no

1 longer necessary for the purposes of the incinerator or
2 environmental services authority;

3 (6) To provide for and secure the payment of any bonds and the
4 rights of the holders thereof, and to purchase, hold and dispose of
5 any bonds;

6 (7) To accept gifts or grants of real or personal property, money,
7 material, labor or supplies for the purpose of the incinerator or
8 environmental services authority, and to make and perform such
9 agreements and contracts as may be necessary or convenient in
10 connection with the procuring, acceptance or disposition of such
11 gifts or grants;

12 (8) To enter on any lands or premises for the purposes of the
13 incinerator or environmental services authority;

14 (9) To make and enforce bylaws or rules and regulations for the
15 management and regulation of its business and affairs and for the
16 use, maintenance and operation of the garbage disposal system and
17 any other of its properties, and to amend the same;

18 (10) To do and perform any acts and things authorized by this act
19 under, through or by means of its own officers, agents and
20 employees, or by contracts with any persons; and

21 (11) To enter into any and all contracts, execute any and all
22 instruments, and do and perform any and all acts or things
23 necessary, convenient or desirable for the purpose of the incinerator
24 or environmental services authority or to carry out any power
25 expressly given in this act subject to P.L.1971, c. 198 "Local Public
26 Contracts Law" (C. 40A:11-1 et seq.).

27 (cf: P.L.1975, c.96, s.11)

28

29 8. Section 1 of P.L.1952, c.304 (C.40:66A-7.1) is amended to
30 read as follows:

31 1. It shall be the duty of every "incinerator or environmental
32 services authority," created pursuant to the act to which this act is a
33 supplement, to cause an annual audit of the accounts of the
34 authority to be made and filed with the authority, and for this
35 purpose the authority shall employ a registered municipal
36 accountant of New Jersey or a certified public accountant of New
37 Jersey. The audit shall be completed and filed with the authority
38 within four months after the close of the fiscal year of the authority
39 and a certified duplicate copy thereof shall be filed with the
40 Director of the Division of Local Government Services in the
41 Department of **the Treasury** Community Affairs within five days
42 after the original report is filed with the authority.

43 (cf: P.L.1952, c.304, s.1)

44

45 9. Section 2 of P.L.1952, c.304 (C.40:66A-7.2) is amended to
46 read as follows:

47 2. Every such "incinerator or environmental services authority"
48 shall file a certified copy of every bond resolution as finally passed

1 with the Director of the Division of Local Government Services in
2 the Department of [the Treasury] Community Affairs and in
3 addition shall file a certified copy of all bond proceedings with the
4 said director.

5 (cf: P.L.1952, c.304, s.2)

6
7 10. Section 8 of P.L.1948, c.348 (C.40:66A-8) is amended to
8 read as follows:

9 8. (a) Every incinerator or environmental services authority is
10 hereby authorized to charge and collect rents, rates, fees or other
11 charges (in this act sometimes referred to as "service charges") for
12 the services and facilities of the garbage disposal system.

13 (b) Such rents, rates, fees and charges, being in the nature of use
14 or service charges, shall as nearly as the incinerator or
15 environmental services authority shall deem practicable and
16 equitable be uniform throughout the district for the same type, class
17 and amount of use or service of the garbage disposal system.

18 (c) The incinerator or environmental services authority shall
19 prescribe and from time to time when necessary revise the schedule
20 of such service charges, which in any event shall be such that the
21 revenues of the incinerator or environmental services authority will
22 at all times be adequate to pay all expenses of operation and
23 maintenance of the garbage disposal system, including reserves,
24 insurance, extensions, and replacements, and to pay punctually the
25 principal of and interest on any bonds and to maintain such reserves
26 or sinking funds therefor as may be required by the terms of any
27 contract of the incinerator or environmental services authority. Said
28 schedule shall thus be prescribed and from time to time revised by
29 the incinerator or environmental services authority after public
30 hearing thereon which shall be held by the incinerator or
31 environmental services authority at least 7 days after publication of
32 notice of the proposed adjustment of the service charges and of the
33 time and place of the public hearing in at least two newspapers of
34 general circulation in the area serviced by the authority. The
35 incinerator or environmental services authority shall provide
36 evidence at the hearing showing that the proposed adjustment of the
37 service charges is necessary and reasonable, and shall provide the
38 opportunity for cross-examination of persons offering such
39 evidence, and a transcript of the hearing shall be made and a copy
40 thereof shall be available upon request to any interested party at a
41 reasonable fee. The incinerator or environmental services authority
42 shall likewise fix and determine the time or times when and the
43 place or places where such service charges shall be due and payable
44 and may require that such service charges shall be paid in advance
45 for periods of not more than 1 year. A copy of such schedule of
46 service charges in effect shall at all times be kept on file at the
47 principal office of the incinerator or environmental services

1 authority and shall at all reasonable times be open to public
2 inspection.

3 (cf: P.L.1981, c.511, s.19)

4

5 11. Section 11 of P.L.1948, c.348 (C.40:66A-9) is amended to
6 read as follows:

7 9. Any local unit shall have power, in the discretion of its
8 governing body, to appropriate moneys for the purposes of the
9 incinerator or environmental services authority, and to loan or
10 donate such moneys to the incinerator or environmental services
11 authority in such installments and upon such terms as may be
12 agreed upon between such local unit and the incinerator or
13 environmental services authority.

14 (cf: P.L.1948, c.348, s.9)

15

16 12. Section 10 of P.L.1948, c.348 (C.40:66A-10) is amended to
17 read as follows:

18 10. Revenue bonds may be authorized to be issued under this act
19 to provide funds to pay the cost of all or any part of the [garbage
20 disposal] incinerator or environmental services system, or for the
21 refunding of any bonds theretofore issued for such purposes. The
22 purposes for which such revenue bonds may be issued shall include
23 the payment to the local unit or local units of the reasonable value
24 of any properties or facilities deemed necessary or desirable for the
25 purposes of the incinerator or environmental services authority, and
26 such incinerator or environmental services authorities are hereby
27 authorized to purchase and acquire such properties or facilities from
28 such local unit or local units.

29 Such revenue bonds shall be authorized by resolution of the
30 incinerator or environmental services authority which may be
31 adopted at the same meeting at which it is introduced by a majority
32 of all the members thereof then in office, shall take effect
33 immediately and need not be published or posted. Such revenue
34 bonds may bear interest at such rate or rates, not exceeding 6% per
35 annum, may be in [1] one or more series, may bear such date or
36 dates, may mature at such time or times not exceeding 30 years
37 from their respective dates, may be payable in such medium of
38 payment at such place or places, may carry such registration
39 privileges, may be subject to such terms of redemption with or
40 without premium, may be executed in such manner, may contain
41 such terms, covenants and conditions, and may be in such form,
42 either coupon or registered, as such resolution or subsequent
43 resolution may provide. Such revenue bonds may be sold, all at one
44 time or in blocks from time to time, at public or private sale, or if
45 refunding bonds may also be delivered in exchange for the
46 outstanding obligations to be refunded thereby, in such manner as
47 the incinerator or environmental services authority shall determine
48 by resolution, and at such price or prices, computed according to

1 standard tables of bond values, as will yield to the purchasers or the
2 holders of the obligations surrendered in exchange, income at a rate
3 not exceeding 6% per annum to the maturity dates of the several
4 bonds so sold or exchanged on the money paid or the principal
5 amount of obligations surrendered therefor to the incinerator or
6 environmental services authority.
7 (cf: P.L.1954, c.185, s.2)

8
9 13. Section 11 of P.L.1948, c.348 (C.40:66A-11) is amended to
10 read as follows:

11 11. After sale of any revenue bonds pursuant to this act, the
12 incinerator or environmental services authority shall have power to
13 authorize the execution and issuance to the purchasers, pending the
14 preparation of the definitive bonds, of interim certificates therefor
15 or of temporary bonds or other temporary instruments exchangeable
16 for the definitive bonds when prepared, executed and ready for
17 delivery. The holders of such interim certificates, temporary bonds
18 or other temporary instruments shall have all the rights and
19 remedies which they would have as holders of the definitive bonds.
20 (cf: P.L.1948, c.348, s.11)

21
22 14. Section 12 of P.L.1948, c.348 (C.40:66A-12) is amended to
23 read as follows:

24 12. Any incinerator or environmental services authority may
25 cause to be published in a newspaper published in the district a
26 notice stating the date of adoption of such bond resolution, the
27 amount and maturities of the bonds authorized to be issued, and
28 also stating that any action or proceeding of any kind or nature in
29 any court questioning the validity of the creation and establishment
30 of the incinerator or environmental services authority, or the
31 validity or proper authorization of bonds provided for by the bond
32 resolution, or the validity of any covenants, agreements or contracts
33 provided for by the bond resolution shall be commenced within
34 twenty days after the first publication of such notice. If no such
35 action or proceeding shall be commenced or instituted within
36 twenty days after the first publication of such notice, then all
37 residents and taxpayers and owners of property in the district and
38 users of the **【garbage disposal】** incinerator or environmental
39 services system and all other persons whatsoever shall be forever
40 barred and foreclosed from instituting or commencing any action or
41 proceeding in any court, or from pleading any defense to any action
42 or proceeding, questioning the validity of the creation and
43 establishment of the incinerator or environmental services authority,
44 the validity or proper authorization of such bonds, or the validity of
45 any such covenants, agreements or contracts, and said bonds,
46 covenants, agreements and contracts shall be conclusively deemed

1 to be valid and binding obligations in accordance with their terms
2 and tenor.

3 (cf: P.L.1948, c.348, s.12)

4
5 15. Section 14 of P.L.1948, c.348 (C.40:66A-14) is amended to
6 read as follows:

7 14. Any bond resolution of an incinerator or environmental
8 services authority providing for or authorizing the issuance of any
9 bonds may contain provisions, and such incinerator or
10 environmental services authority, in order to secure the payment of
11 such bonds and in addition to its other powers, shall have power by
12 provision in the bond resolution to covenant and agree with the
13 several holders of such bonds, as to:

14 (1) The custody, security, use, expenditure or application of the
15 proceeds of the bonds;

16 (2) The construction and completion, or replacement, of all or
17 any part of the garbage disposal system;

18 (3) The use, regulation, operation, maintenance, insurance or
19 disposition of all or any part of the garbage disposal system, or
20 restrictions on the exercise of the powers of the incinerator or
21 environmental services authority to dispose, or to limit or regulate
22 the use, of all or any part of the garbage disposal system;

23 (4) Payment of the principal of or interest on the bonds, or any
24 other obligations, and the sources and methods thereof, the rank or
25 priority of any such bonds as obligations as to any lien or security,
26 or the acceleration of the maturity of any such bonds or obligations.

27 (5) The use and disposition of any moneys of the incinerator or
28 environmental services authority, including revenues (in this act
29 sometimes called "system revenues") derived or to be derived from
30 the operation of all or any part of the garbage disposal system,
31 including any parts thereof theretofore constructed or acquired;

32 (6) Pledging, setting aside, depositing or trusteeing all or any
33 part of the system revenues or other moneys of the incinerator or
34 environmental services authority to secure the payment of the
35 principal of or interest on the bonds or any other obligations, or the
36 payment of expenses of operation or maintenance of the garbage
37 disposal system, and the powers and duties of any trustee with
38 regard thereto;

39 (7) The setting aside out of the system revenues or other moneys
40 of the incinerator or environmental services authority of reserves
41 and sinking funds, and the source, custody, security, regulation,
42 application and disposition thereof;

43 (8) Determination or definition of the system revenues or of the
44 expenses of operation and maintenance of the garbage disposal
45 system;

46 (9) The rents, rates, fees, or other charges for the use of the
47 services and facilities of the garbage disposal system, including any
48 parts thereof theretofore constructed or acquired and any parts,

1 extension, replacements or improvements thereof thereafter
2 constructed or acquired, and the fixing, establishment, collection
3 and enforcement of the same, the amount or amounts of system
4 revenues to be produced thereby, and the disposition and
5 application of the amounts charged or collected;

6 (10) The assumption or payment or discharge of any
7 indebtedness, liens or other claims relating to any part of the
8 garbage disposal system or any obligations having or which may
9 have a lien on any part of the system revenue;

10 (11) Limitations on the issuance of additional bonds or any
11 other obligations or on the incurrence of indebtedness of the
12 incinerator or environmental services authority;

13 (12) Limitations on the powers of the incinerator or
14 environmental services authority to construct, acquire or operate, or
15 permit the construction, acquisition, or operation of, any plants,
16 structures, facilities or properties which may compete or tend to
17 compete with the garbage disposal system;

18 (13) Vesting in a trustee or trustees such property, rights,
19 powers and duties in trust as the incinerator or environmental
20 services authority may determine which may include any or all of
21 the rights, powers and duties of the trustee appointed by the holders
22 of bonds pursuant to section seventeen of this act, and limiting or
23 abrogating the right of such holders to appoint a trustee pursuant to
24 section fifteen of this act or limiting the rights, duties and powers of
25 such trustee;

26 (14) Payment of costs or expenses incident to the enforcement
27 of the bonds or of the provision of the bond resolution or of any
28 covenant or contract with the holders of bonds;

29 (15) The procedure, if any, by which the terms of any covenant
30 or contract with, or duty to, the holders of bonds may be amended
31 or abrogated, the amount of bonds the holders of which must
32 consent thereto, and the manner in which such consent may be
33 given or evidenced; or

34 (16) Any other matter or course of conduct which by recital in
35 the bond resolution, is declared to further secure the payment of the
36 principal of or interest on the bonds.

37 All such provisions of the bond resolution and all such covenants
38 and agreements shall constitute valid and legally binding contracts
39 between the incinerator or environmental services authority and the
40 several holders of the bonds, regardless of the time of issuance of
41 such bonds, and shall be enforceable by any such holder or holders
42 by appropriate action or proceeding in any court of competent
43 jurisdiction.

44 (cf: P.L.1953, c.37, s.232)

45
46 16. Section 15 of P.L.1948, c.348 (C.40:66A-15) is amended to
47 read as follows:

1 15. In the event that there shall be a default in the payment of
2 principal of or interest on any bonds after the same shall become
3 due, whether at maturity or upon call for redemption, and such
4 default shall continue for a period of thirty days, or in the event that
5 the incinerator or environmental services authority shall fail or
6 refuse to comply with the provisions of this act or shall fail or
7 refuse to carry out and perform the terms of any contract with the
8 holders of any of such bonds, and such failure or refusal shall
9 continue for a period of thirty days after written notice to the
10 incinerator authority of its existence and nature, the holders of
11 twenty-five per centum (25%) in aggregate principal amount of the
12 bonds of such series then outstanding, by instruments or instrument
13 filed in the office of the Secretary of State and proved and
14 acknowledged in the same manner as a deed to be recorded, may
15 appoint a trustee to represent the holders of the bonds of such series
16 for the purposes in this section, and to have the powers provided in
17 this section.

18 (a) Such trustee may and upon written request of the holders of
19 twenty-five per centum (25%) in aggregate principal amount of the
20 bonds of such series then outstanding shall, in his or its own name:

21 (1) By an action or proceeding in a court of competent
22 jurisdiction, enforce all rights of the holders of such bonds,
23 including the right to require the incinerator or environmental
24 services authority to charge and collect service charges adequate to
25 carry out any contract as to, or pledge of, system revenues, and to
26 require the incinerator or environmental services authority to carry
27 out and perform the terms of any contract with the holders of such
28 bonds or its duties under this act;

29 (2) Bring an action upon all or any part of such bonds or interest
30 coupons or claims appurtenant thereto;

31 (3) By an action require the incinerator or environmental
32 services authority to account as if it were the trustee of an express
33 trust for the holders of such bonds;

34 (4) By an action enjoin any acts or things which may be
35 unlawful or in violation of the rights of the holders of such bonds;
36 or

37 (5) Declare all such bonds due and payable, whether or not in
38 advance of maturity, upon thirty days' prior notice in writing to the
39 incinerator or environmental services authority and, if all defaults
40 shall be made good, then with the consent of the holders of twenty-
41 five per centum (25%) of the principal amount of such bonds then
42 outstanding, annul such declaration and its consequences.

43 (b) Such trustee shall, in addition to the foregoing, have and
44 possess all of the powers necessary or appropriate for the exercise
45 of the functions specifically set forth herein or incident to the
46 general representation of the holders of bonds of such series in the
47 enforcement and protection of their rights.

1 (c) In any action or proceeding by such trustee, the fees, counsel
2 fees and expenses of the trustee and of the receiver, if any,
3 appointed pursuant to this act, may be allowed by the court as
4 taxable costs and disbursements or otherwise, when so allowed,
5 shall be a first charge upon any service charges and system
6 revenues of the incinerator or environmental services authority
7 pledged for the payment or security of bonds of such series.

8 (d) Such trustee, upon such default referred to in this section,
9 whether or not all of the bonds of such series shall have been
10 declared due and payable, shall be entitled as of right to the
11 appointment of a receiver of the garbage disposal system, and such
12 receiver may enter upon and take possession of all moneys and
13 other property derived from or applicable to the acquisition,
14 construction, operation, maintenance or reconstruction of the
15 garbage disposal system and proceed with such acquisition,
16 construction, operation, maintenance or reconstruction which the
17 incinerator authority is under any obligation to do, and operate,
18 maintain and reconstruct the garbage disposal system and fix,
19 charge, collect, enforce and receive the service charges and all
20 system revenues thereafter arising subject to any pledge thereof or
21 contract with the holders of such bonds relating thereto and perform
22 the public duties and carry out the contracts and obligations of the
23 incinerator or environmental services authority in the same manner
24 as the incinerator authority itself might do and under the direction
25 of the court.

26 (cf: P.L.1953, c.37, s.233)

27
28 17. Section 16 of P.L.1948, c.348 (C.40:66A-16) is amended to
29 read as follows:

30 16. Neither the members of the incinerator or environmental
31 services authority nor any person executing bonds issued pursuant
32 to this act shall be liable personally on the bonds by reason of the
33 issuance pursuant to this act shall not be in any way a debt or
34 liability of the State, and bonds or other obligations issued by an
35 incinerator or environmental services authority pursuant to this act
36 shall not be in any way a debt or liability of the State or of any local
37 unit or municipality.

38 (cf: P.L.1948, c.348, s.16)

39
40 18. Section 17 of P.L.1948, c.348 (C.40:66A-17) is amended to
41 read as follows:

42 17. Every incinerator or environmental services authority is
43 hereby empowered, in its own name but for the local unit or units,
44 to acquire by purchase, gift, grant or devise and to take for public
45 use real property, within or without the district, which may be
46 deemed by the incinerator or environmental services authority
47 necessary for its purposes. Such incinerator authority is hereby
48 empowered to acquire and take such real property by condemnation,

1 in the manner provided by chapter one of Title 20, Eminent
2 Domain, of the Revised Statutes (R.S., section 20:1-1 et seq.) and,
3 to that end, may invoke and exercise in the manner or mode of
4 procedure prescribed in said chapter, either in its own name or in
5 the name of any local unit or units, all of the powers of such local
6 unit or units to acquire or take property for public use.
7 (cf: P.L.1948, c.348, s.17)

8
9 19. Section 18 of P.L.1948, c.348 (C.40:66A-18) is amended to
10 read as follows:

11 18. (a) In the event that a service charge of any incinerator or
12 environmental services authority with regard to any parcel of real
13 property shall not be paid as and when due, interest shall accrue and
14 be due to the incinerator or environmental services authority on the
15 unpaid balance at the rate of one per centum (1%) per month until
16 such service charge, and the interest thereon, shall be fully paid to
17 the incinerator or environmental services authority.

18 (b) In the event that a service charge of any incinerator or
19 environmental services authority with regard to any parcel of real
20 property owned by any person, firm, corporation or association
21 shall not be paid as and when due, the unpaid balance thereof and
22 all interest accruing thereon shall be a lien on such parcel. Such
23 lien shall be superior and paramount to the interest in such parcel of
24 any owner, lessee, tenant, mortgagee or other person except the lien
25 of State, county and municipal taxes and shall be on a parity with
26 and deemed equal to the lien on such parcel of State, county and
27 municipal taxes.

28 (c) In the event that a service charge of any incinerator or
29 environmental services authority with regard to any parcel of real
30 property shall not be paid as and when due, the incinerator or
31 environmental services authority may, in its discretion, discontinue
32 the furnishing of any of the services and facilities of said garbage
33 disposal system until such service charge and any subsequent
34 service charge with regard to such parcel and all interest accrued
35 thereon shall be fully paid to the incinerator or environmental
36 services authority.

37 (d) The collector or other officer of every municipality charged
38 by law with the duty of enforcing municipal liens on real property
39 shall enforce, with and as any other municipal lien on real property
40 in such municipality, all service charges and the lien thereof and
41 shall pay over to the incinerator or environmental services authority
42 the sums or a pro rata share of the sums realized upon such
43 enforcement or upon liquidation of any property acquired by the
44 municipality by virtue of such enforcement.

45 (e) In the event that any service charge of an incinerator or
46 environmental services authority shall not be paid as and when due,
47 the unpaid balance thereof and all interest accrued thereon, together
48 with attorneys' fees and costs, may be recovered by the incinerator

1 or environmental services authority in a civil action, and any lien on
2 real property for such service charge and interest accrued thereon
3 may be foreclosed or otherwise enforced by the incinerator or
4 environmental services authority by action or suit in equity as for
5 the foreclosure of a mortgage on such real property.

6 (f) All rights and remedies granted by this act for the collection
7 and enforcement of service charges shall be cumulative and
8 concurrent.

9 (cf: P.L.1948, c.348, s.18)

10
11 20. Section 19 of P.L.1948, c.348 (C.40:66A-19) is amended to
12 read as follows:

13 19. Any county, by resolution of its board of chosen freeholders,
14 or any municipality, by ordinance of its governing body, or any
15 other person is hereby empowered, without any referendum and
16 without the consent of any board, officer or other agency of the
17 State, to sell, lease, lend, grant or convey to any incinerator or
18 environmental services authority, or to permit any incinerator or
19 environmental services authority [in] to use, maintain or operate as
20 part of the garbage disposal system, any real or personal property
21 owned by it, which may be necessary or useful and convenient for
22 the purposes of the incinerator or environmental services authority
23 and which may be accepted by the incinerator or environmental
24 services authority. Any such sale, lease, loan, grant, conveyance or
25 permit may be made with or without consideration and for a
26 specified or an unlimited period of time and under any agreement
27 and in any terms and conditions which may be approved by such
28 county, municipality or other person and which may be agreed to by
29 the incinerator or environmental services authority in conformity
30 with its contracts with the holders of bonds, the incinerator or
31 environmental services authority may enter into and perform any
32 and all agreements for the assumption of principal or interest or
33 both of indebtedness of such county, municipality or other person or
34 of any mortgage or lien existing with respect to such property or for
35 the operation and maintenance of such property as part of the
36 garbage disposal system.

37 (cf: P.L.1948, c.348, s.19)

38
39 21. Section 20 of P.L.1948, c.348 (C.40:66A-20) is amended to
40 read as follows:

41 20. Any incinerator or environmental services authority and any
42 municipality within the district by ordinance of its governing body
43 may enter into a contract or contracts providing for or relating to
44 the collection, treatment and disposal of garbage and refuse
45 originating in the district or in such municipality by means of the
46 garbage disposal system, and the cost and expense of such
47 collection, treatment and disposal. Such contract or contracts may
48 provide for the payment to the incinerator or environmental services

1 authority by such municipality annually or otherwise of such sum or
2 sums of money, computed at fixed amounts or by a formula based
3 on any factors or other matters described in subsection (b) of
4 section 8 of this act or in any other manner, as said contract or
5 contracts may provide, and the sum or sums so payable may include
6 provision for all or any part or a share of the amounts necessary (1)
7 to pay or provide for the expenses of operation and maintenance of
8 the garbage disposal system, including without limitation insurance,
9 extensions, betterments and replacements and the principal of and
10 interest on any bonds, and (2) to provide for any deficits resulting
11 from failure to receive sums payable to the incinerator or
12 environmental services authority by such municipality, any other
13 municipality, or any person, or from any other cause, and (3) to
14 maintain such reserves or sinking funds for any of the foregoing as
15 may be required by the terms of any contract of the incinerator or
16 environmental services authority or as may be deemed necessary or
17 desirable by the incinerator or environmental services authority.
18 Any such contract may provide that the sum or sums so payable to
19 the incinerator or environmental services authority shall be in lieu
20 of all or any part of the service charges which would otherwise be
21 charged and collected by the incinerator or environmental services
22 authority with regard to persons or real property within such
23 municipality. Such contract or contracts may also contain
24 provisions as to the financing and payment of expenses to be
25 incurred by the incinerator or environmental services authority and
26 determined by it to be necessary for its purposes prior to the placing
27 in operation of the garbage disposal system and may provide for the
28 payment by such municipality to the incinerator or environmental
29 services authority for application to such expenses or indebtedness
30 therefor such sum or sums of money, not in the aggregate exceeding
31 an amount stated or otherwise limited in said contract or contracts
32 plus interest thereon, as said contract or contracts may provide and
33 as the governing body of said municipality shall, by virtue of its
34 authorization of and entry into said contract or contracts, determine
35 to be necessary for the purposes of the incinerator or environmental
36 services authority. Any such contract may be made with or without
37 consideration and for a specified or an unlimited time and on any
38 terms and conditions which may be approved by such municipality
39 and which may be agreed to by the incinerator or environmental
40 services authority in conformity with its contracts with the holders
41 of any bonds, and shall be valid whether or not an appropriation
42 with respect thereto is made by such municipality prior to
43 authorization or execution thereof. Subject to any such contracts
44 with the holders of bonds, such municipality is hereby authorized
45 and directed to do and perform any and all acts or things necessary,
46 convenient or desirable to carry out and perform every such
47 contract and to provide for the payment or discharge of any
48 obligation thereunder in the same manner as other obligations of

1 such municipality and, in accordance with any such contract, to
2 waive, modify, suspend or reduce the service charges which would
3 otherwise be charged and collected by the incinerator or
4 environmental services authority with regard to persons or real
5 property within such municipality. Nothing in this section,
6 however, shall prevent the incinerator or environmental services
7 authority from collecting additional fees and charges from the
8 owners or occupants of all parcels of real estate served by it within
9 such municipality if for any reason such additional fees or charges
10 shall be necessary in order for the incinerator or environmental
11 services authority to pay all operating expenses, debt service and
12 other payments required pursuant to contracts with bondholders;
13 and notwithstanding such contracts with such municipalities, the
14 incinerator or environmental services authority shall at all times
15 have power and be obligated to collect sufficient additional fees and
16 charges whenever necessary to pay all operating costs, debt service
17 and all other payments required by contracts with bondholders.

18 (cf: P.L.1954, c.185, s.1)

19
20 22. Section 21 of P.L.1948, c.348 (C.40:66A-21) is amended to
21 read as follows:

22 21. Each county, municipality and other public body shall
23 promptly pay to any incinerator or environmental services authority
24 all service charges which the incinerator or environmental services
25 authority may charge to it, as owner or occupant of any real
26 property and shall provide for the payment thereof in the same
27 manner as other obligations of such county, municipality or public
28 body.

29 (cf: P.L.1948, c.348, s.21)

30
31 23. Section 22 of P.L.1948, c.348 (C.40:66A-22) is amended to
32 read as follows:

33 22. Neither the incinerator or environmental services authority
34 nor any local unit shall have power to mortgage, pledge, encumber
35 or otherwise dispose of any part of the garbage disposal system,
36 except that the incinerator or environmental services authority may
37 dispose of such part or parts thereof as may be no longer necessary
38 for the purposes of the incinerator or environmental services
39 authority. The provisions of this section shall be deemed to
40 constitute a part of the contract with the holder of any bonds. All
41 property of an incinerator or environmental services authority shall
42 be exempt from levy and sale by virtue of an execution and no
43 execution or other judicial process shall issue against the same nor
44 shall any judgment against an incinerator or environmental services
45 authority be a charge or lien upon its property; provided, that
46 nothing herein contained shall apply to or limit the rights of the
47 holder of any bonds to pursue any remedy for the enforcement of

1 any pledge or lien given by an incinerator or environmental services
2 authority on its system revenues.

3 (cf: P.L.1948, c.348, s.22)

4

5 24. Section 24 of P.L.1948, c.348 (C.40:66A-24) is amended to
6 read as follows:

7 24. Every garbage disposal system and all other property of an
8 incinerator or environmental services authority are hereby declared
9 to be public property of a political subdivision of the State and
10 devoted to an essential public and governmental function and
11 purpose and shall be exempt from all taxes and special assessments
12 of the State or any subdivision thereof. All bonds issued pursuant
13 to this act are hereby declared to be issued by a political subdivision
14 of this State and for an essential public and governmental purpose
15 and to be a public instrumentality, and such bonds, and the interest
16 thereon and the income therefrom, and all service charges, funds,
17 revenues and other moneys pledged or available to pay or secure the
18 payment of such bonds, or interest thereon, shall at all times be
19 exempt from taxation except for transfer, inheritance and estate
20 taxes.

21 (cf: P.L.1948, c.348, s.24)

22

23 25. Section 25 of P.L.1948, c.348 (C.40:66A-25) is amended to
24 read as follows:

25 25. The State of New Jersey does hereby pledge to and covenant
26 and agree with the holders of any bonds issued pursuant to this act
27 that the State will not authorize or permit the construction or
28 maintenance of any incinerator or garbage disposal system which
29 will be competitive with the garbage disposal system of the
30 incinerator or environmental services authority, and will not limit or
31 alter the rights hereby vested in the incinerator or environmental
32 services authority to acquire, construct, maintain, reconstruct and
33 operate its garbage disposal system, and to fix, establish, charge and
34 collect its service charges and to fulfill the terms of any agreement
35 made with the holders of such bonds or other obligations, and will
36 not in any way impair the rights or remedies of such holders, and
37 will not modify in any way the exemptions from taxation provided
38 for in this act, until such bonds, together with interest thereon, with
39 interest on any unpaid installments of interest, and all costs and
40 expenses in connection with any action or proceeding by or on
41 behalf of such holders, are fully met and discharged.

42 (cf: P.L.1948, c.348, s.25)

43

44 26. Section 26 of P.L.1948, c.348 (C.40:66A-26) is amended to
45 read as follows:

46 26. All banks, bankers, trust companies, savings banks,
47 investment companies and other persons carrying on a banking
48 business are hereby authorized to give to any incinerator or

1 environmental services authority a good and sufficient undertaking
2 with such sureties as shall be approved by the incinerator or
3 environmental services authority to the effect that such bank or
4 banking institution as hereinbefore described shall faithfully keep
5 and pay over to the order of or upon the warrant of the incinerator
6 or environmental services authority or its authorized agent all such
7 funds as may be deposited with it by the incinerator or
8 environmental services authority and agreed interest thereon, at
9 such times or upon such demands as may be agreed upon with the
10 authority or, in lieu of such sureties, deposit with the incinerator or
11 environmental services authority or its authorized agent or any
12 trustee therefor or for the holders of any bonds, as collateral, such
13 securities as the incinerator or environmental services authority may
14 approve; provided, such securities shall consist of obligations in
15 which public officers and bodies of the State and its municipal
16 subdivisions, savings institutions, including savings and loan
17 associations, insurance companies and associations, executors,
18 administrators, guardians, trustees and other fiduciaries in the State
19 may properly and legally invest the funds within their control, in
20 such principal amount, market value or other description as may be
21 approved by the incinerator or environmental services authority.
22 The deposits of the incinerator or environmental services authority
23 may be evidenced by a depository collateral agreement in such form
24 and upon such terms and conditions as may be agreed upon by the
25 incinerator or environmental services authority and such bank or
26 banking institution.

27 (cf: P.L.1948, c.348, s.26)

28
29 27. Section 27 of P.L.1948, c.348 (C.40:66A-27) is amended to
30 read as follows:

31 27. After the creation of an incinerator or environmental
32 services authority as provided herein, no municipality within the
33 district shall have power to engage in, grant any license or permit
34 for, or enter into any contract for, the collection, treatment and
35 disposal of garbage and refuse; and no such municipality, or any
36 person, firm, corporation or association shall engage in any
37 activities within such municipality which would be competitive
38 with the purposes of the incinerator or environmental services
39 authority as provided in this act.

40 It is hereby determined and declared that it is necessary for the
41 health and welfare of the inhabitants of every district within which
42 an incinerator or environmental services authority is created that the
43 facilities and services of such incinerator or environmental services
44 authority shall be used by the owners or occupants of all lands,
45 buildings and premises within such district, and the incinerator or
46 environmental services authority may by resolution require the
47 owners or occupants of all lands, buildings and premises therein to
48 use the services and facilities of the incinerator or environmental

1 services authority under such rules and regulations as the
2 incinerator or environmental services authority shall fix and
3 establish.

4 The provisions of this section shall not be construed, however, to
5 affect or impair any contracts entered into prior to the creation of an
6 incinerator or environmental services authority.

7 (cf: P.L.1948, c.348, s.27)

8
9 28. This act shall take effect immediately.

10 11 12 STATEMENT

13
14 This bill would authorize incinerator authorities to perform
15 sanitation, public works and environmental services. At this time,
16 there is only one incinerator authority in operation – the Jersey City
17 Incinerator Authority. Under current law, the activities of
18 incinerator authorities are limited to the operation of a garbage
19 disposal system. However, apparently, the Jersey City Incinerator
20 Authority functions not only as a collector and disposer of
21 residential waste, but has many other responsibilities: monitoring
22 compliance and enforcing city ordinances relative to solid waste
23 disposal and recycling; educating various city groups and entities
24 about environmental issues; property maintenance through the
25 coordination of cleanups of city and privately owned vacant lots;
26 providing container rentals for the disposal of construction and
27 demolition debris; securing and storing impounded vehicles;
28 providing mechanical street sweeping; removing graffiti; providing
29 snow plowing and removal services; and providing demolition
30 services for unsafe buildings.

31 This bill would authorize the creation of “environmental services
32 authorities” as an alternative to incinerator authorities.
33 Environmental services, as defined in the bill would mean any and
34 all services relative to sanitation, recycling, park and other
35 recreation area maintenance, demolition, repair or maintenance of
36 unsafe, unsanitary or unsound structures, automobile towing and
37 impound, municipal vehicle maintenance and repair and services
38 related thereto, street and road safety services, snow removal,
39 environmental compliance and education, services necessary or
40 appropriate for neighborhood beautification or environmental
41 improvement, and any other service relative to maintaining a
42 sanitary, safe, and healthy environment within a municipality.