

N.J. Stat. § 40:14B-1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-1. Citation

This act shall be known and may be cited as the “municipal and county utilities authorities law.”

History

L. 1957, c. 183, p. 634, § 1, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, § 2, eff. Feb. 10, 1978.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-2](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-2. Policy

It is hereby declared to be in the public interest and to be the policy of the State to foster and promote by all reasonable means the provision and distribution of an adequate supply of water for the public and private uses of counties and municipalities and their inhabitants, the collection, disposal and recycling of solid waste, including sewage sludge, in an environmentally sound manner, the relief of lands and waters in or bordering the State from pollution, from domestic, industrial and other sources, including pollution derived from chemical and hazardous wastes, and thus the reduction and ultimate abatement of the menace to the public health resulting from such pollution, and the generation of hydroelectric power. It is the purpose and object of this act to further and implement such policy by

- (1) Authorizing counties, or municipalities either separately or in combination with other municipalities, by means and through the agency of a municipal authority, to acquire, construct, maintain, operate or improve works for the accumulation, supply or distribution of water, works for the collection, treatment, recycling, and disposal of solid wastes, works for the collection, treatment, purification or disposal of sewage or other wastes, and works for the generation of hydroelectric power;
- (2) Authorizing service charges to occupants or owners of property for direct or indirect connection with and the use, products or services of such works, and providing for the establishment, collection and enforcement of such charges;
- (3) Creating as bodies corporate and politic municipal authorities to have full responsibility and powers with respect to such works and the establishment, collection, enforcement, use and disposition of all such service charges;
- (4) Providing for the financing of such works, for the issuance of bonds therefor, and for the payment and security of such bonds; and
- (5) In general, granting to counties and municipalities and to such municipal authorities discretionary powers to provide for utility services designed to provide or distribute such a supply of water, to recycle or dispose of solid waste, to relieve pollution of such waters in or bordering the State at the expense of the users of such services or of counties or municipalities or other persons contracting for or with respect to the same or to generate hydroelectric power.

History

L. 1957, c. 183, p. 634, 2, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, 3, eff. Feb. 10, 1978; L. 1980, c. 34, 2, eff. June 6, 1980.

§ 40:14B-2. Policy

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-3

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-3. Definitions

As used in P.L.1957, c.183 ([C.40:14B-1](#) et seq.), unless a different meaning clearly appears from the context:

- (1) “Municipality” shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district, and except when used in section 4, 5, 6, 11, 12, 13, 42 or 45 of P.L.1957, c.183 ([C.40:14B-4](#), [C.40:14B-5](#), [C.40:14B-6](#), [C.40:14B-11](#), [C.40:14B-12](#), [C.40:14B-13](#), [C.40:14B-42](#), or [C.40:14B-45](#)), any agency thereof or any two or more thereof acting jointly or any joint meeting or other agency of any two or more thereof;
- (2) “County” shall mean any county of any class;
- (3) “Governing body” shall mean, in the case of a county, the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c.154 ([C.40:41A-1](#) et seq.), the board of chosen freeholders and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;
- (4) “Person” shall mean any person, association, corporation, nation, state or any agency or subdivision thereof, other than a county or municipality of the State or a municipal authority;
- (5) “Municipal authority,” “authority,” or “water reclamation authority” shall mean a public body created or organized pursuant to section 4, 5 or 6 of P.L.1957, c.183 ([C.40:14B-4](#), [C.40:14B-5](#), or [C.40:14B-6](#)) and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county;
- (6) Subject to the exceptions provided in section 10, 11 or 12 of P.L.1957, c.183 ([C.40:14B-10](#), [C.40:14B-11](#), or [C.40:14B-12](#)), “district” shall mean the area within the territorial boundaries of the county, or of the municipality or municipalities, which created or joined in or caused the creation or organization of a municipal authority;
- (7) “Local unit” shall mean the county, or any municipality, which created or joined in or caused the creation or organization of a municipal authority;
- (8) “Water system” shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose for the purposes of the municipal authority, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification

§ 40:14B-3. Definitions

or filtration plants or other plants and works, connections, rights of flowage or division, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the accumulation, supply and redistribution of water.

The term “water system” shall include the replacement of service connections to a publicly-owned water system, from the distribution main onto privately-owned real property and into a privately-owned structure, when used in reference to a project undertaken for the purpose of replacing residential, commercial, and institutional lead service lines, regardless of possible private service connection ownership;

(9) “Sewerage system” shall mean the plants, structures, on-site wastewater systems and other real and personal property acquired, constructed or operated or to be acquired, constructed, maintained or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose for the purposes of the municipal authority, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(10) “Utility system” shall mean a water system, solid waste system, sewerage system, or a hydroelectric system or any combination of such systems, acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority or by any person to whom a municipal authority has extended credit for this purpose;

(11) “Cost” shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a utility system and of all or any property, rights, easements, privileges, agreements and franchises deemed by the municipal authority to be necessary or useful and convenient therefor or in connection therewith and the cost of retiring the present value of the unfunded accrued liability due and owing by a municipal authority, as calculated by the system actuary for a date certain upon the request of a municipal authority, for early retirement incentive benefits granted by the municipal authority pursuant to [P.L.1991, c.230](#) and [P.L.1993, c.181](#), including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the municipal authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of said utility system or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the municipal authority may determine, and also reimbursements to the municipal authority or any county, municipality or other person of any moneys theretofore expended for the purposes of the municipal authority or to any county or municipality of any moneys theretofore expended for or in connection with water supply, solid waste, water distribution, sanitation or hydroelectric facilities;

(12) “Real property” shall mean lands both within or without the State, and improvements thereof or thereon, or any rights or interests therein;

§ 40:14B-3. Definitions

- (13)** “Construct” and “construction” shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a utility system;
- (14)** “Industrial wastes” shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource, and shall include any chemical wastes or hazardous wastes;
- (15)** “Sewage” shall mean the water-carried wastes created in and carried, or to be carried, away from, or to be processed by on-site wastewater systems, residences, hotels, apartments, schools, hospitals, industrial establishments, or any other public or private building, together with such surface or ground water and industrial wastes and leachate as may be present;
- (16)** “On-site wastewater system” means any of several facilities, septic tanks or other devices, used to collect, treat, reclaim, or dispose of wastewater or sewage on or adjacent to the property on which the wastewater or sewage is produced, or to convey such wastewater or sewage from said property to such facilities as the authority may establish for its disposal;
- (17)** “Pollution” means the condition of water resulting from the introduction therein of substances of a kind and in quantities rendering it detrimental or immediately or potentially dangerous to the public health, or unfit for public or commercial use;
- (18)** “Bonds” shall mean bonds or other obligations issued pursuant to P.L.1957, c.183 ([C.40:14B-1](#) et seq.);
- (19)** “Service charges” shall mean water service charges, solid waste service charges, sewer service charges, hydroelectric service charges or any combination of such charges, as said terms are defined in section 21 or 22 of P.L.1957, c.183 ([C.40:14B-21](#) or [C.40:14B-22](#)) or in section 7 of P.L.1980, c.34 ([C.40:14B-21.1](#));
- (20)** “Compensating reservoir” shall mean the structures, facilities and appurtenances for the impounding, transportation and release of water for the replenishment in periods of drought or at other necessary times of all or a part of waters in or bordering the State diverted into a utility system operated by a municipal authority;
- (21)** “Sewage or water reclamation authority” shall mean a public body created pursuant to the “sewerage authorities law,” P.L.1946, c.138 ([C.40:14A-1](#) et seq.) or the acts amendatory thereof or supplemental thereto;
- (22)** “County sewer authority” shall mean a sanitary sewer district authority created pursuant to the act entitled “An act relating to the establishment of sewerage districts in first- and second-class counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof,” approved April 23, 1946 (P.L.1946, c.123), or the acts amendatory thereof or supplemental thereto;
- (23)** “Chemical waste” shall mean a material normally generated by or used in chemical, petrochemical, plastic, pharmaceutical, biochemical or microbiological manufacturing processes or petroleum refining processes, which has been selected for waste disposal and which is known to hydrolize, ionize or decompose, which is soluble, burns or oxidizes, or which may react with any of the waste materials which are introduced into the landfill, or which is buoyant on water, or which has a viscosity less than that of water or which produces a foul odor. Chemical waste may be either hazardous or nonhazardous;

§ 40:14B-3. Definitions

- (24) "Effluent" shall mean liquids which are treated in and discharged by sewage treatment plants;
- (25) "Hazardous wastes" shall mean any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment. "Hazardous waste" shall include, but not be limited to, waste material that is toxic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable;
- (26) "Leachate" shall mean a liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste;
- (27) "Recycling" shall mean the separation, collection, processing or recovery of metals, glass, paper, solid waste and other materials for reuse or for energy production and shall include resource recovery;
- (28) "Sludge" shall mean any solid, semisolid, or liquid waste generated from a municipal, industrial or other sewage treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects; "sludge" shall not include effluent;
- (29) "Solid waste" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including sludge, chemical waste, hazardous wastes and liquids, except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms;
- (30) "Solid waste system" shall mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority or by any person to whom a municipal authority has extended credit for this purpose pursuant to the provisions of P.L.1957, c.183 ([C.40:14B-1](#) et seq.), including transfer stations, incinerators, recycling facilities, including facilities for the generation, transmission and distribution of energy derived from the processing of solid waste, sanitary landfill facilities or other property or plants for the collection, recycling or disposal of solid waste and all vehicles, equipment and other real and personal property and rights thereon and appurtenances necessary or useful and convenient for the collection, recycling, or disposal of solid waste in a sanitary manner;
- (31) "Hydroelectric system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority pursuant to the provisions of P.L.1957, c.183 ([C.40:14B-1](#) et seq.), including all that which is necessary or useful and convenient for the generation, transmission and sale of hydroelectric power at wholesale;
- (32) "Hydroelectric power" shall mean the production of electric current by the energy of moving water;
- (33) "Sale of hydroelectric power at wholesale" shall mean any sale of hydroelectric power to any person for purposes of resale of such power;
- (34) "Alternative electrical energy" shall mean electrical energy produced from solar, photovoltaic, wind, geothermal, or biomass technologies, provided that in the case of biomass technology, the biomass is cultivated and harvested in a sustainable manner;

§ 40:14B-3. Definitions

(35) "Alternative electrical energy system" shall mean any system which uses alternative electrical energy to provide all or a portion of the electricity for the heating, cooling, or general electrical energy needs of a building;

(36) "Pilot county" shall mean a county of the second class having a population between 280,000 and 290,000, a population between 510,000 and 520,000, and a population between 530,000 and 540,000 according to the 2010 federal decennial census;

(37) "Pilot county utilities authority" shall mean a county utilities authority in a county designated as a pilot county;

(38) "Lead service line" means a water supply connection that is made of, or lined with, a material consisting of lead, and which connects a water main to a building inlet. A lead pigtail, lead gooseneck, or other lead fitting shall be considered to be a lead service line, regardless of the composition of the service line or other portions of piping to which such piece is attached. A galvanized service line shall be considered to be a lead service line. A lead service line may be owned by the public community water system, a property owner, or both.

History

L. 1957, c. 183, § 3; amended 1977, c. 384, § 4; 1980, c. 34, § 3; 1980, c. 77, § 3; 1984, c. 178, § 1; [2001, c. 123](#), § 3, eff. June 26, 2001; [2002, c. 42](#), § 5, eff. July 12, 2002; [2007, c. 306](#), § 1, eff. Jan. 13, 2008; [2013, c. 190](#), § 3, eff. Jan. 17, 2014; [2018, c. 114](#), § 1, effective August 24, 2018; [2021, c. 184](#), § 1, effective July 22, 2021.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-4](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-4. Utilities authorities

a. Any governing body may, in the case of a county by resolution or ordinance duly adopted, or in the case of a municipality by ordinance duly adopted, create a public body corporate and politic under the name and style of “the municipal utilities authority,” or of “the county utilities authority,” with the name of said county or municipality inserted. Said body shall consist of the five members thereof, who, in the case of a county utilities authority, shall be appointed by the county governing body, or by the county executive pursuant to section 37 of P.L.1972, c.154 ([C.40:41A-37](#)), as appropriate. In the case of a municipal utilities authority, the governing body of a municipality which is not organized under the town form of government pursuant to the provisions of [N.J.S. 40A:62-5](#), or the mayor of a municipality organized under the town form of government pursuant to the provisions of [N.J.S. 40A:62-5](#) shall make the appointment. The appointments shall constitute the county or municipal authority contemplated and provided for in this act and an agency and instrumentality of said county or municipality. After the taking effect of the resolution or ordinance for the creation of said body and the filing of a certified copy thereof as in section 7 of this act provided, five persons shall be appointed as the members of the county or municipal authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februaries next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the county or municipal authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the county or municipal authority occurring during an unexpired term of office, a person shall be appointed as a member of the county or municipal authority to serve for such unexpired term.

b.

(1) Any county governing body may provide by resolution or ordinance as appropriate that the county utilities authority created by it shall consist of seven members. The two additional members first appointed pursuant to the resolution or ordinance shall be designated to serve for terms respectively expiring on the first day of the second and third Februaries next ensuing after the date of their appointment. On or after January 1 in the year in which expires the term of the additional member first appointed and in every fifth year thereafter, one person shall be appointed as a member of the county utilities authority by the county governing body as a successor to such additional member, or reappointment of the additional member, to serve for a term commencing on February 1 of such year and expiring on February 1 in the fifth year after such year.

§ 40:14B-4. Utilities authorities

- (2)** Any county governing body may provide by resolution or ordinance as appropriate that the county utilities authority created by it shall consist of nine members. The four additional members first appointed pursuant to said resolution or ordinance shall be designated to serve for terms respectively expiring on the first day of the second, third, fourth and fifth Februaries next ensuing after the date of their appointment. On or after January 1 in the year in which expires the term of said additional member first appointed and in every fifth year thereafter, one person shall be appointed as a member of the county utilities authority by said county governing body as a successor to such additional member, to serve for a term commencing on February 1 of such year and expiring on February 1 in the fifth year after such year.
- c.** Whenever the municipal authority of any county shall certify to the governing body of any county that it has entered into a contract pursuant to section 49 of this act ([C.40:14B-49](#)) with one or more municipalities situate within any other county one additional member of the municipal authority for each such other county shall be appointed by the governing body of such other county as in this section provided. The additional member so appointed for any such other county, and his successors shall be a resident of one of said municipalities situate within such other county. The additional member first appointed or to be first appointed for such other county shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed, and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the municipal authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If after such appointment of an additional member for such other county the municipal authority shall certify to said governing body of such other county that it is no longer a party to a contract entered into pursuant to section 49 of this act ([C.40:14B-49](#)) with any municipality situate within such other county, the term of office of such additional member shall thereupon cease and expire and no additional member for such other county shall thereafter be appointed.
- d.** In any county wherein a county sewer authority is reorganized as a municipal authority pursuant to section 6 of this act ([C.40:14B-6](#)), its governing body shall, by resolution or ordinance as appropriate, reappoint the existing members of the authority to terms corresponding to terms of members first appointed to a municipal authority pursuant to subsection a. of this section; provided, however, that, if said county sewer authority has seven members, then the existing members shall be reappointed to the reorganized municipal authority pursuant to subsections a. and b. of this section.
- e.** The governing body of a county or municipality may provide in the ordinance or resolution creating the utilities authority for not more than two alternate members. In the case of a county utilities authority the county governing body, or the county executive pursuant to section 37 of P.L.1972, c.154 ([C.40:41A-37](#)), shall make the appointment. In the case of a municipal utilities authority, the governing body of a municipality which is not organized under the town form of government pursuant to the provisions of [N.J.S. 40A:62-5](#), or the mayor of a municipality organized under the town form of government pursuant to the provisions of [N.J.S. 40A:62-5](#), shall make the appointment. Alternate members shall be designated by the governing body, or mayor, as appropriate, as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The governing body of the county or municipality shall provide by ordinance or resolution for the order in which the alternates shall serve. The term of each alternate member shall be five years commencing on February 1 of the year of appointment; provided, however, that in the event two alternate members are appointed their initial terms shall be four and five years respectively. The terms of the first alternate

§ 40:14B-4. Utilities authorities

members appointed pursuant to this amendatory act shall commence on the day of their appointment and shall expire on the fourth or fifth January 31 next ensuing after the date of their appointments, as the case may be. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

History

L. 1957, c. 183, § 4; amended 1977, c. 384, § 5; 1979, c. 473; 1981, c. 412, § 1; 1987, c. 213; [1991, c. 10](#), § 1.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-4.1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-4.1. Name change to water reclamation authority, permitted

Notwithstanding the provisions of any law, rule or regulation to the contrary, a utilities authority created pursuant to sections 4, 5 or 6 of P.L. 1957, c. 183 ([C. 40:14B-4](#) et seq.) by ordinance or resolution, as appropriate, may change its name to “the water reclamation authority,” with all or any significant part of a municipality, county or some other identifying geographical phrase inserted, as appropriate, through adoption of a resolution at any meeting of the authority.

History

L. [2001, c. 123](#), § 4, eff. June 26, 2001.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

[N.J. Stat. § 40:14B-5](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-5. Membership of joint municipal utilities authorities; staggered terms; vacancies

The governing bodies of any two or more municipalities, the areas of which together comprise an integral body of territory, may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of “the municipal utilities authority,” with all or any significant part of the name of each such municipality or some identifying geographical phrase inserted. Said body shall consist of the members thereof, in an aggregate number as determined in this section, who shall be appointed by resolutions of the several governing bodies as provided in this section. Said body shall constitute the municipal authority contemplated and provided for in P.L. 1957, c. 183 ([C. 40:14B-1](#) et seq.) and an agency and instrumentality of the said municipalities. The number of members of the municipal authority to be appointed for terms of office by the governing body of any such municipality shall be as may be stated in said ordinances which shall be not less than one nor more than three. After the taking effect of the said ordinances of all such municipalities and after the filing of certified copies thereof as provided in section 7 of P.L. 1957, c. 183 ([C. 40:14B-7](#)), the appropriate number of persons shall be appointed as members of the municipal authority by the governing body of each municipality.

The members next appointed after the effective date of [P.L. 1999, c. 268](#) shall divide themselves by lot into classes. If there are five or more members, there shall be five classes. If there are fewer than five members, there shall be as many classes as there are members. To the extent possible, there shall be an equal number of members in each class, and each class shall contain no more than one member from each municipality. The term of members composing the first class shall be vacated at the expiration of the fifth year; the term of members composing the second class shall be vacated at the expiration of the fourth year; the term of members composing the third class, if any, shall be vacated at the expiration of the third year; the term of members composing the fourth class, if any, shall be vacated at the expiration of the second year; and the term of members composing the fifth class, if any, shall be vacated at the expiration of the first year. The term of members of each class shall expire on February 1 of their respective year.

On or after January 1 in the year in which expire the terms of such next appointments, the appropriate number of persons shall be appointed as members of the municipal authority by the governing body of each municipality, to serve for terms commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the municipal authority occurring during an unexpired term of office, a person shall be appointed as a member of the municipal authority to serve for such unexpired term by the governing body which made the original appointment for such unexpired term.

History

L. 1957, c. 183, § 5; amended [1999, c. 268](#), § 1, eff. Nov. 8, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-6](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-6. Reorganization of sewerage authority

- a.** The governing body of any municipality which shall have created a sewerage authority may, by ordinance duly adopted, provide and determine that said sewerage authority shall be reorganized as a municipal authority and thereupon and thereby cause said sewerage authority to be organized as a public body corporate and politic existing under and by virtue of this act.
- b.** In any county which has created a sewerage authority or a county sewer authority or authorities, each such authority shall be reorganized as a county utilities authority and shall be continued as a public body corporate and politic existing under and by virtue of the municipal authorities law, P.L. 1957, c. 183 ([C. 40:14B-1](#) et seq.). The governing body of any county wherein a sewerage authority or a county sewer authority or authorities was reorganized pursuant to this section shall record such reorganization by resolution and file such resolution with the Secretary of State pursuant to section 7 of this act ([C. 40:14B-7](#)).
- c.** No authority reorganized pursuant to this section shall acquire, construct, maintain, operate or improve a water system, a solid waste system or a hydroelectric system until such time as the governing body authorizes such action, by ordinance in the case of a municipality, or by resolution in the case of a county.
- d.** Said body shall consist of the members of said sewerage authority or of said county sewer authority holding office at the time of such organization, together with successors in such membership appointed as if said sewerage authority or county sewer authority had originally been created pursuant to section 4 of this act, and, upon the passage of this amendatory and supplementary act or upon the taking effect of such ordinance and the filing of a certified copy thereof as in section 7 of this act provided, said body shall constitute a municipal authority contemplated and provided for in this act and an agency and instrumentality of said municipality or county. Said body as such municipal authority shall have all of the rights and powers granted and be subject to all the duties and obligations imposed by this act and, subject to the rights (if any) of the holders of any bonds or other obligations of said sewerage authority or county sewer authority theretofore issued, said body shall be the successor in all respects to said sewerage authority or county sewer authority and forthwith succeed to all of the rights, property, assets and franchises of said sewerage authority or county sewer authority and the said bonds or other obligations of said sewerage authority or county sewer authority shall be assumed by and become the obligations of said municipal authority, and the property of said sewerage authority or county sewer authority shall be vested in said municipal authority. Said body may at any time, by resolution duly adopted, change its corporate name and adopt the name and style of "the municipal utilities authority" with the name of said municipality or county inserted.

History

§ 40:14B-6. Reorganization of sewerage authority

L. 1957, c. 183, p. 641, 6, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, 6, eff. Feb. 10, 1978; L. 1980, c. 34, 4, eff. June 6, 1980; L. 1981, c. 501, 1, eff. Jan. 12, 1982; L. 1985, c. 537, 1, eff. Jan. 21, 1986.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-7

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-7. Filing of recognition ordinance or resolution

A copy of each resolution or ordinance for the creation of a municipal authority or resolution or ordinance for the reorganization of a sewerage authority or a county sewer authority as a municipal authority adopted pursuant to this act, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the creation of a municipal authority as aforesaid or of a certified copy of the resolution or ordinance for the reorganization of a sewerage authority or a county sewer authority as a municipal authority as aforesaid, the municipal authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the municipal authority, be conclusively deemed to have been lawfully and properly created, organized and established and authorized to transact business and exercise its powers under this act. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and shall be conclusive evidence of due and proper filing thereof as aforesaid.

History

L. 1957, c. 183, p. 642, 7, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, 7, eff. Feb. 10, 1978.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-8

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-8. Filing of resolution appointing authority member

A copy of each resolution appointing any member of a municipal authority adopted pursuant to this act, duly certified by the appropriate officer of the local unit, may be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such appointment, shall be conclusive evidence of the due and proper appointment of the member or members named therein.

History

L. 1957, c. 183, p. 642, 8, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-9

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-9. Single authority

No governing body of any county which may create any municipal authority pursuant to this act or which records the reorganization of any preexisting sewerage authority or county sewer authority as a municipal authority pursuant to this act, shall thereafter create any other municipal authority or a sewerage authority. No governing body (1) of any county which shall have created any sewerage authority or any county sewer authority, or (2) of a municipality constituting the whole or any part of the district of a municipal authority or of the district of a sewerage authority, or (3) of any municipality constituting the whole or any part of the sewerage district of a county sewer authority which shall have entered into a contract or contracts with such municipality, shall create or join in the creation of a municipal authority or a sewerage authority except subject to the rights (if any) of the holders of any bonds or other obligations of such other authority then outstanding and upon the written consent of such other authority and in accordance with the terms and conditions of such consent, and in the event such consent be given and a municipal authority or sewerage authority be created pursuant thereto, the terms and conditions of such consent shall thereafter be in all respects binding upon the municipal authority or sewerage authority so created and the county or municipality creating or joining in the creation of the same, and any water supply or distribution system, solid waste system, system of sewers or sewage disposal plants or hydroelectric system constructed or maintained in conformity with the terms and conditions of such consent by the municipal authority or sewerage authority so created shall be deemed not to be competitive with the utility system of the said other authority giving such consent.

History

L. 1957, c. 183, p. 642, 9, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, 8, eff. Feb. 10, 1978; L. 1980, c. 34, 5, eff. June 6, 1980.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-10

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-10. Limited area

In the event that prior to the creation of a municipal authority of a county the governing body of any municipality located in said county shall have created or joined in the creation of a municipal authority or a sewerage authority, the area within the territorial limits of such municipality shall not be part of the district of the municipal authority of said county.

History

L. 1957, c. 183, p. 643, 10, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-11

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-11. Election of municipalities within county to become part of county district

Within 10 days after the filing in the office of the Secretary of State of a certified copy of a resolution for the creation of a municipal authority adopted by the governing body of any county pursuant to this act, a copy of such resolution, duly certified by the appropriate officer of the county, shall be filed in the office of the clerk of each municipality within the county. In the event that the governing body of any such municipality shall, within 60 days after such filing in the office of the Secretary of State, adopt a resolution determining that such municipality shall not be a part of the district of such municipal authority and file a copy thereof, duly certified by its clerk, in the office of the Secretary of State, the area within the territorial limits of such municipality shall not thereafter be part of such district, but at any time after the adoption of such resolution unless such municipality shall then constitute the whole or any part of any other district, the governing body of such municipality may, by ordinance duly adopted, determine that such area shall again be a part of such district of such municipal authority and if thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of such municipal authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the area within the territorial limits of such municipality shall again be part of such district.

History

L. 1957, c. 183, p. 643, 11, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-12

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-12. Separations from districts

The governing body of any municipality constituting less than the whole of the district of a municipal authority may at any time adopt an ordinance requesting that such municipality shall no longer be a part of such district, and if thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of such municipal authority approving and consenting to such ordinance and stating either that such municipal authority has no debts or obligations outstanding or that all creditors or other obligees of such municipal authority have consented to such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the area within the territorial limits of such municipality shall not be part of such district.

History

L. 1957, c. 183, p. 644, 12, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-13

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-13. Dissolution of authority

The governing body of any local unit which has created or caused the organization of a municipal authority pursuant to section 4 or section 6 of this act may, in the case of a county by resolution duly adopted or in the case of a municipality by ordinance duly adopted, dissolve such municipal authority on the conditions set forth in this section. The governing bodies of 2 or more local units which have created a municipal authority pursuant to section 5 of this act may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, dissolve such municipal authority on the conditions set forth in this section. Such a municipal authority may be dissolved on condition that (1) either the members of such authority have not been appointed or the municipal authority, by resolution duly adopted, consents to such dissolution, and (2) the municipal authority has no debts or obligations outstanding. Upon the dissolution of any municipal authority in the manner provided in this section, the governing body or bodies dissolving such municipal authority shall be deemed never to have created or joined in the creation of a municipal authority. A copy of each resolution or ordinance for the dissolution of a municipal authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the dissolution of a municipal authority as aforesaid and upon proof either that such municipal authority had no debts or obligations outstanding at the time of the adoption of such resolution, ordinance or ordinances, or that all creditors or other obligees of such municipal authority have consented to such resolution, ordinance or ordinances the municipal authority therein referred to shall be conclusively deemed to have been lawfully and properly dissolved and the property of the municipal authority shall be vested in the local unit or units. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action, or proceeding, and shall be conclusive evidence of due and proper filing thereof as aforesaid.

History

L. 1957, c. 183, p. 645, 13, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-13.1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-13.1. New sewerage system authorized

Notwithstanding the provisions of P.L. 1957, c. 183 ([C. 40:14B-1](#) et seq.) or any other law to the contrary, the governing body of any municipality located in a county of the third class having a county population of at least 80,000 persons but not more than 85,000 persons according to the most recent federal decennial census, which municipality has created, participated in the creation of or joined a municipal utilities authority or has entered into a contract with a municipal utilities authority for the treatment and disposal of sewage within the whole or portions of the municipality pursuant to section 49 of P.L. 1957, c. 183 ([C. 40:14B-49](#)), may, pending the dissolution of the authority in accordance with the provisions of section 13 of P.L. 1957, c. 183 ([C. 40:14B-13](#)) and the provisions of the “Local Authorities Fiscal Control Law,” P.L. 1983, c. 313 ([C. 40A:5A-1](#) et seq.), and pursuant to a duly adopted ordinance therefor, commence in its own name or by creating another municipal utilities authority pursuant to law the acquisition, construction, maintenance and operation of a new sewerage system, including the expenditure of its own moneys for the costs related thereto, for the purposes of the provision of adequate sewage collection, treatment, purification and disposal service within the municipality. Any actions undertaken by the governing body of the municipality must be consistent with the “Water Quality Planning Act,” P.L. 1977, c. 75 ([C. 58:11A-1](#) et seq.) and with P.L. 1970, c. 33 ([C. 13:1D-1](#) et seq.).

History

L. 1986, c. 110, 1, eff. Sept. 23, 1986.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-14

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-14. Powers vested in members, quorum; minutes, approval

- a.** The powers of a municipal authority shall be vested in the members thereof in office from time to time. A majority of the entire authorized membership of the municipal authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the municipal authority at any meeting of the members thereof by vote of a majority of the members present, unless in any case the by-laws of the municipal authority shall require a larger number.
- b.** The minutes of every meeting of an authority created by a county organized pursuant to the provisions of the “county executive plan” of the “Optional County Charter Law,” P.L.1972, c.154 ([C.40:41A-1](#) et seq.) shall be delivered by the end of the fifth business day following the meeting, except as otherwise provided in subsection d. of this section, by and under the certification of the secretary of the authority to the county executive. Except as otherwise provided in subsection d. of this section, no action taken at a meeting by the members of an authority shall be effective until approved by the county executive or until 10 days after the copy of the minutes shall have been delivered. If, within the 10-day period, the county executive returns to the authority and to the board of freeholders the copy of the minutes with a veto of any action taken by the authority or any member thereof at a meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the board of freeholders overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. The county executive may approve all or any part of an action taken at a meeting prior to the expiration of the 10-day period. If the county executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.
- c.** No resolution or other action of the authority providing for the issuance or refunding of bonds or other financial obligations shall be adopted or otherwise made effective by the authority without the prior approval in writing of the county executive. This power shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection shall in any way limit, restrict or alter the obligations or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.
- d.** If two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall

§ 40:14B-14. Powers vested in members, quorum; minutes, approval

be delivered to the county executive as soon as practicable following the meeting and the county executive shall have up to 24 hours after the copy of the minutes has been delivered to approve or veto the minutes of that meeting. If the county executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the county executive returns to the authority and to the board of freeholders the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the board of freeholders overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

e. The minutes of every meeting of an authority created by a county which has not adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 ([C.40:41A-1](#) et seq.), shall be delivered by the end of the fifth business day following the meeting, by and under the certification of the secretary of the authority to each member of the county board of freeholders. No action taken at a meeting by the members of an authority shall be effective if within 10 days after the copy of the minutes shall have been delivered to each member of the board of freeholders, such action is vetoed by the director of the board of freeholders, with the concurrence of a majority of the members of the board of freeholders. If, within the 10-day period, the board of freeholders returns to the authority the copy of the minutes with a veto of any action taken by the authority or any of the authority's members thereof at a meeting, that action shall be of no effect. If the director takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto power accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

History

L. 1957, c. 183, § 14; amended [1995, c. 91](#), § 3; [2010, c. 52](#), § 3, eff. Aug. 18, 2010.

N.J. Stat. § 40:14B-15

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-15. Conflicting interests

No member, officer or employee of a municipal authority shall have or acquire any interest, direct or indirect, in the utility system or in any property included or planned to be included in the utility system or in any contract or proposed contract for materials or services to be furnished to or used by the municipal authority, but neither the holding of any office or employment in the government of any county or municipality or under any law of the State nor the owning of any property within the State shall be deemed a disqualification for membership in or employment by a municipal authority, and members of the governing body of a local unit may be appointed by such governing body and may serve as members of a municipal authority.

History

L. 1957, c. 183, p. 646, 15, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-16

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-16. Term of member; removal; hearing

Each member of a municipal authority shall hold office for the term for which he was appointed and until his successor has been appointed and has qualified. A member of a municipal authority may be removed only by the governing body by which he was appointed and only for inefficiency or neglect of duty or misconduct in office and after he shall have been given a copy of the charges against him and, not sooner than 10 days thereafter, had opportunity in person or by counsel to be heard thereon by such governing body.

History

L. 1957, c. 183, p. 646, 16, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-17

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-17. Compensation to members

A municipal authority may reimburse its members for necessary expenses incurred in the discharge of their duties. The resolution, ordinance or parallel ordinances for the creation of a municipal authority or for the reorganization of a sewerage authority as a municipal authority may provide that the members of the municipal authority may receive compensation for their services within an annual and other limitations to be stated in such resolution, ordinance or parallel ordinances, and in that event, each member may receive from the municipal authority such compensation for his services as the municipal authority may determine within the limitations stated in such resolution, ordinance or parallel ordinances. The said provisions or limitations stated in any such resolution, ordinance or parallel ordinances may be amended or added by subsequent resolution, ordinance or parallel ordinances, as the case may be, but no reduction of any such limitation shall be effective as to any member of the municipal authority then in office except upon the written consent of such member. No member of any municipal authority shall receive any compensation for his services except as provided in this section.

History

L. 1957, c. 183, p. 647, 17, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-18

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-18. Employees of municipal authorities

Every municipal authority, upon the first appointment of its members and thereafter on or after February 1 in each year, shall annually elect from among its members a chairman and a vice-chairman, who shall hold office until February 1 next ensuing and until their respective successors have been appointed and have qualified. Every municipal authority may also appoint and employ, full- or part-time, a secretary, an executive director, managerial personnel, technical advisors and experts, professional employees, and persons who shall render professional services as set forth in section 5 of P.L. 1971, c. 198 ([C. 40A:11-5](#)), as the authority may determine necessary for its efficient operations, and it shall determine their qualifications, terms of office, for periods not to exceed five years, duties and compensation and enter into contracts therefor, for periods not to exceed five years, as it deems necessary. Such municipal authority may also appoint and employ such other agents and employees as it may require and determine their duties and compensation. The provisions of this section with regard to terms shall not apply to the positions of general counsel and consulting engineer. The appointing and employing powers of the municipal authority set forth in this section shall be exercised without regard to the provisions of Title 11 of the Revised Statutes; provided, however, that any municipal authority which, prior to the effective date of this amendatory act, has accepted the jurisdiction of the Department of Civil Service, other than by reason of compliance with a court order, shall continue to be subject to the provisions of Title 11.

History

L. 1957, c. 183, p. 647, 18, eff. Aug. 22, 1957; Amended by L. 1981, c. 493, 1, eff. Jan. 12, 1982; L. 1985, c. 537, 2, eff. Jan. 21, 1986.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-18.1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-18.1. Residency requirements for employees of municipal authority operating certain water system

Any ordinance, resolution, rule, regulation, order, or directive establishing, as may be permitted by law, a residency requirement for employees of a municipal authority operating a water system that serves more than one municipality shall provide that any person employed or to be hired by the municipal authority in relation to the operation of its water system may reside within any municipality served by the water system, and shall further provide that a non-resident of the municipalities served by the water system may be hired if the municipal authority is unable to hire a qualified resident. Any provision of an ordinance, resolution, rule, regulation, order, or directive to the contrary shall be void and have no force or effect.

Nothing in this section shall be construed as prohibiting a municipal authority from employing or hiring a non-resident of the municipalities served by its water system if no residency requirement is established.

History

L. [2019, c. 231](#), § 1, effective August 9, 2019.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-19

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-19. Purposes, acquisition of facilities; alternative electrical energy

(a) The purposes of every municipal authority shall be (1) the provision and distribution of an adequate supply of water for the public and private uses of the local units, and their inhabitants, within the district, and (2) the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, (3) the provision of sewage collection and disposal service within or without the district, and (4) the provision of water supply and distribution service in such areas without the district as are permitted by the provisions of this act, and (5) the provision of solid waste services and facilities within or without the district in a manner consistent with the “Solid Waste Management Act,” P.L.1970, c.39 ([C.13:1E-1](#) et seq.) and in conformance with the solid waste management plans adopted by the solid waste management districts created therein, and (6) the generation, transmission and sale of hydroelectric power at wholesale, (7) the operation and maintenance of utility systems owned by other governments located within the district through contracts with said governments, and (8) in the case of an authority that is a pilot county utilities authority, to fund improvements to county infrastructure pursuant to the provisions of subsection b. of section 40 of P.L.1957, c.183 ([C.40:14B-40](#)).

(b) Every municipal authority is hereby authorized, subject to the limitations of this act, to acquire, in its own name but for the local unit or units, by purchase, gift, condemnation or otherwise, lease as lessee, and, notwithstanding the provisions of any charter, ordinance or resolution of any county or municipality to the contrary, to construct, maintain, operate and use such reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping and ventilating stations, treatment, purification and filtration plants or works, trunk, intercepting and outlet sewers, water distribution systems, waterworks, sources of water supply and wells at such places within or without the district, such compensating reservoirs within a county in which any part of the district lies, and such other plants, structures, boats and conveyances, as in the judgment of the municipal authority will provide an effective and satisfactory method for promoting purposes of the municipal authority.

(c) Every municipal authority is hereby authorized and directed, when in its judgment its sewerage system or any part thereof will permit, to collect from any and all public systems within the district all sewage and treat and dispose of the same in such manner as to promote purposes of the municipal authority.

(d) Every municipal utilities authority is authorized to promote the production and use of alternative electrical energy by contracting with producers of alternative electrical energy for the installation, construction, maintenance, repair, renewal, relocation, or removal of alternative electrical energy systems, and for the purchase of excess alternative electrical energy generated

§ 40:14B-19. Purposes, acquisition of facilities; alternative electrical energy

by a producer of alternative electrical energy. Any purchase or sale of alternative electrical energy where such energy is distributed using the infrastructure of a public utility, as that term is defined in [R.S.48:2-13](#), shall include the payment by the purchaser of all relevant non-bypassable charges as provided for in the "Electric Discount and Energy Competition Act," [P.L.1999, c.23](#) ([C.48:3-49](#) et al.).

History

L. 1957, c. 183, p. 647, § 19, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, § 9, eff. Feb. 10, 1978; L. 1980, c. 34, § 6, eff. June 6, 1980; [2007, c. 306](#), § 2, eff. Jan. 13, 2008; [2013, c. 190](#), § 4, eff. Jan. 17, 2014.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-20

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-20. Powers

Every municipal authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

- (1) To adopt and have a common seal and to alter the same at pleasure;
- (2) To sue and be sued;
- (3) In the name of the municipal authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;
- (4) In the name of the municipal authority but for the local unit or units, to acquire, rent, hold, lease as lessor, use and dispose of other personal property for the purposes of the municipal authority;
- (5) In the name of the municipal authority but for the local unit or units and subject to the limitations of P.L.1957, c.183 ([C.40:14B-1](#) et seq.), to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the municipal authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold, lease as lessor, and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal authority;
- (6) To produce, develop, purchase, accumulate, distribute and sell water and water services, facilities and products within or without the district, provided that no water shall be sold at retail in any municipality or county without the district unless the governing body of such municipality or county shall have adopted a resolution requesting the municipal authority to sell water at retail in such municipality or county, and the board of public utility commissioners shall have approved such resolution as necessary and proper for the public convenience;
- (7) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;
- (8) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the municipal or county authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;
- (9) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the municipal authority, and whenever the operation of a septic tank or other component of an on-site wastewater system shall result in

the creation of pollution or contamination source on private property such that under the provisions of [R.S.26:3-49](#), a local board of health would have the authority to notify the owner and require said owner to abate the same, representatives of an authority shall have the power to enter, at all reasonable times, any premises on which such pollution or contamination source shall exist, for the purpose of inspecting, rehabilitating, securing samples of any discharges, improving, repairing, replacing, or upgrading such septic tank or other component of an on-site wastewater system;

(10) To establish an inspection program to be performed at least once every three years on all on-site wastewater systems installed within the district which inspection program shall contain the following minimum notice provisions: (i) not less than 30 days prior to the date of the inspection of any on-site wastewater system as described herein, the authority shall notify the owner and resident of the property that the inspection will occur; and (ii) not less than 60 days prior to the date of the performance of any work other than an inspection, the municipal authority shall provide notice to the owner and resident of the property in which the work will be performed. The notice to be provided to such owner and resident under this subsection shall include a description of the deficiency which necessitates the work and the proposed remedial action, and the proposed date for beginning and duration of the contemplated remedial action;

(11) To prepare and file in the office of the municipal authority records of all inspections, rehabilitation, maintenance, and work, performed with respect to on-site wastewater disposal systems;

(12) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the utility system and any other of its properties, and to amend the same;

(13) To do and perform any acts and things authorized by P.L.1957, c.183 ([C.40:14B-1](#) et seq.) under, through, or by means of its own officers, agents and employees, or by contracts with any person;

(14) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the municipal authority or to carry out any power expressly given in P.L.1957, c.183 ([C.40:14B-1](#) et seq.) subject to the "Local Public Contracts Law," P.L.1971, c.198 ([C.40A:11-1](#) et seq.);

(15) To extend credit or make loans to any person for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, furnishing, and operating by that person of any part of a solid waste system, sewage treatment system, wastewater treatment or collection system for the provision of services and facilities within or without the district, which in the case of a solid waste system shall be in a manner consistent with the "Solid Waste Management Act," P.L.1970, c.39 ([C.13:1E-1](#) et seq.) and in conformance with the solid waste management plans adopted by the solid waste management districts created therein. The credits or loans may be secured by loan and security agreements, mortgages, leases and any other instruments, upon such terms as the authority shall deem reasonable, including provision for the establishment and maintenance of reserve and insurance funds, and to require the inclusion in any mortgage, lease, contract, loan and security agreement or other instrument, provisions for the construction, use, operation and maintenance and financing of that part of the aforementioned systems as the authority may deem necessary or desirable;

(16) Upon the request of a customer: (i) to offer the customer the ability to receive or access, in electronic format, any periodic bill for service sent by the municipal authority to its

customers and any additional information sent by the municipal authority to its customers as required by law, provided that any notice of disconnection, discontinuance or termination of service shall be sent to a customer in written form at the customer's legal mailing address in addition to being sent or being made available in electronic format; and (ii) to provide the customer the option of paying any such periodic bill via electronic means;

(17) In the case of an authority that is a pilot county utilities authority, to fund improvements to county infrastructure pursuant to the provisions of subsection b. of section 40 of P.L.1957, c.183 ([C.40:14B-40](#)); and

(18) To finance the replacement of service connections to a publicly-owned water system, from the distribution main onto privately-owned real property and into the privately-owned structure, for the purpose of replacing residential, commercial, and institutional lead service lines, regardless of possible private service connection ownership.

History

L. 1957, c. 183, p. 649, § 20, eff. Aug. 22, 1957; Amended by L. 1975, c. 96, § 4, eff. May 16, 1975; L. 1980, c. 77, § 4, eff. July 24, 1980; L. 1984, c. 178, § 2, eff. Nov. 5, 1984; [2010, c. 91](#), § 2, eff. May 29, 2011; [2013, c. 190](#), § 5, eff. Jan. 17, 2014; [2018, c. 114](#), § 2, effective August 24, 2018; [2021, c. 184](#), § 2, effective July 22, 2021.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-20.1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-20.1. Interest on deposits with municipal authorities

Whenever a municipal authority requires a person to deposit an amount of money exceeding \$5,000.00 for professional services employed by the municipal authority, for municipal authority inspection fees or to satisfy any performance or maintenance guarantee requirements, the money, until repaid or applied to the purposes for which it is deposited, including the person's portion of the interest earned thereon, except as otherwise provided in this section, shall continue to be the property of the person and shall be held in trust by the municipal authority. Money deposited shall be held in escrow. The municipal authority receiving the money shall deposit it in a banking institution or savings and loan association in this State insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at a minimum at the rate currently paid by the institution or depository on time or savings deposits. The municipal authority shall notify the person in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipal authority shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100.00 for the year. If the amount of interest exceeds \$100.00, that entire amount shall belong to the person and shall be refunded to him by the municipal authority annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the municipal authority may retain for administrative expenses a sum equivalent to no more than 33 ⅓% of that entire amount, which shall be in lieu of all other administrative and custodial expenses.

The provisions of this act shall apply only to that interest earned and paid on a deposit after the effective date of this act.

History

L. 1985, c. 316, 1, eff. Aug. 28, 1985.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-20.2

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-20.2. Service charge by utility authority for returned check

- a.** A utilities authority created pursuant to the provisions of P.L.1957, c.183 ([C.40:14B-1](#) et seq.) may, by resolution, provide for the imposition of a service charge to be added to any account owing to the authority, if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds.
- b.** The service charge for a check or other written instrument returned for insufficient funds shall be determined and set by resolution from time to time, but shall not exceed \$20 per check or other written instrument.
- c.** Any service charge authorized by this section shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered. In addition, the authority may require future payments to be tendered in cash or by certified or cashier's check.

History

L. [1994, c. 124](#), § 2.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-20.3

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-20.3. Use of municipal utilities authority funds for joint acquisition of land for recreation, conservation purposes

- a.** A municipal utilities authority may expend any of its funds for the joint acquisition of land for recreation and conservation purposes with a municipality, notwithstanding the participation of any other public entity in the purchase, provided that the transaction does not violate any federal or State law and has a direct nexus to, and substantially furthers the core mission of, the municipal utilities authority.
- b.** Nothing in this section shall interfere with or limit the oversight authority of any State agency over a municipal utilities authority.
- c.** For the purposes of this section, “recreation and conservation purposes” means the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports, or a similar use for either public outdoor recreation or conservation of natural resources, or both.

History

L. [2001, c. 283](#), § 1, eff. Dec. 27, 2001.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

[N.J. Stat. § 40:14B-21](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

Notice

 This section has more than one version with varying effective dates.

§ 40:14B-21. Water service charges

a. Every municipal authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as “water service charges”) for direct or indirect connection with, or the use, products or services of, the water system, or for sale of water or water supply services, water supply facilities or products. Such water service charges may be charged to and collected from any person contracting for such connection or use, products or services or for such sale or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the water system or to which directly or indirectly has been supplied or furnished such use, products or services of the water system or water or water supply services, water supply facilities or products, and the owner of any such real property shall be liable for and shall pay such water service charges to the municipal authority at the time when and place where such water service charges are due and payable. Such rents, rates, fees and charges shall as nearly as the municipal authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use, products or services of the water system, except as permitted by section 1 of [P.L. 1992, c. 215 \(C. 40:14B-22.2\)](#), and may be based or computed either on the consumption of water on or in connection with the real property, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on the capacity of the improvements on or connected with the real property, or on any other factors determining the type, class and amount of use, products or services of the water system supplied or furnished, or on any combination of such factors, and may give weight to the characteristics of the water or water services, facilities or products and, as to service outside the district, any other matter affecting the cost of supplying or furnishing the same, including the cost of installation of necessary physical properties.

Every municipal authority that furnishes water supply services or operates water supply facilities shall establish a rate structure that provides for uniform water service charges for water supply service and fire protection systems.

No municipal authority may impose standby fees or charges for any fire protection system to a residential customer served by a water service line of two inches or less in diameter.

§ 40:14B-21. Water service charges

Nothing in this section shall preclude a municipal authority from requiring separate dedicated service lines for fire protection. A municipal authority may require that fire service lines be metered. Nothing in this section shall alter the liability for maintenance and repair of service lines which exists on the effective date of [P.L. 2003, c. 278](#).

b. In addition to any such water service charges, a separate charge in the nature of a connection fee or tapping fee, in respect of each connection of any property with the water system, may be imposed upon the owner or occupant of the property so connected. Such connection charges shall be uniform within each class of users, except as provided by section 5 of [P.L. 2005, c. 29 \(C. 40:14B-22.3\)](#) and except as provided by section 5 of [P.L. 2005, c. 173 \(C. 40:14B-22.4\)](#), and the amount thereof shall not exceed the actual cost of the physical connection, if made by the authority, plus an amount computed in the following manner to represent a fair payment toward the cost of the system:

(1) The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and interest thereon, paid by a municipal authority to defray the capital cost of developing the system as of the end of the immediately preceding fiscal year of the authority shall be added to all capital expenditures made by the authority not funded by a bond ordinance or debt for the development of the system as of the end of the immediately preceding fiscal year of the authority.

(2) Any gifts, contributions or subsidies to the authority received from, and not reimbursed or reimbursable to any federal, State, county or municipal government or agency or any private person, and that portion of amounts paid to the authority by a public entity under a service agreement or service contract which is not repaid to the public entity by the authority, shall then be subtracted.

(3) The remainder shall be divided by the total number of service units served by the authority at the end of the immediately preceding fiscal year of the authority, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector, to produce the connector's contribution to the cost of the system. In attributing service units to each connector, the estimated average daily flow of water for the connector shall be divided by the average daily flow of water to the average single family residence in the authority's district, to produce the number of service units to be attributed.

c. The connection fee shall be recomputed at the end of each fiscal year of the authority, after a public hearing is held in the manner prescribed in section 23 of P.L. 1957, c. 183 ([C. 40:14B-23](#)). The revised connection fee may be imposed upon those who subsequently connect in that fiscal year to the system. The combination of such connection fee or tapping fee and the aforesaid water service charges all [shall] meet the requirements of section 23 of P.L. 1957, c. 183 ([C. 40:14B-23](#)).

d. The foregoing notwithstanding, no municipal authority shall impose any charges or fees in excess of the cost of water actually used for any sprinkler system required to be installed in any residential health care facility pursuant to the "Health Care Facilities Planning Act," P.L. 1971, c. 136 ([C. 26:2H-1](#) et seq.) and regulations promulgated thereunder or in any rooming or boarding house pursuant to the "Rooming and Boarding House Act of 1979," P.L. 1979, c. 496 ([C. 55:13B-](#)

§ 40:14B-21. Water service charges

[1](#) et al.) and regulations promulgated thereunder. Nothing herein shall preclude any municipal authority from charging for the actual cost of water main connections, except as provided by section 5 of [P.L. 2005, c. 29](#) ([C. 40:14B-22.3](#)) and except as provided by section 5 of [P.L. 2005, c. 173](#) ([C. 40:14B-22.4](#)).

History

L. 1957, c. 183, § 21; amended 1977, c. 441; 1981, c. 514, § 5; 1985, c. 526, § 2; [1994, c. 78](#), § 3; [2003, c. 278](#), § 1, eff. Jan. 14, 2004; [2005, c. 29](#), § 3, eff. Jan. 26, 2005; [2005, c. 173](#), § 3, eff. Aug. 5, 2005; [2025, c. 267](#), § 1, effective January 12, 2026.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-21](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

Notice

 This section has more than one version with varying effective dates.

§ 40:14B-21. Water service charges

a. Every municipal authority is hereby authorized to charge and collect rents, rates, fees, or other charges (in this act sometimes referred to as “water service charges”) for direct or indirect connection with, or the use, products, or services of, the water system or for sale of water or water supply services, water supply facilities, or products. Such water service charges may be charged to and collected from any person contracting for such connection or use, products, or services or for such sale or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the water system or to which directly or indirectly has been supplied or furnished such use, products, or services of the water system or water or water supply services, water supply facilities, or products, and the owner of any such real property shall be liable for and shall pay such water service charges to the municipal authority at the time when and place where such water service charges are due and payable. Such rents, rates, fees, and charges shall as nearly as the municipal authority shall deem practicable and equitable be uniform throughout the district for the same type, class, and amount of use, products, or services of the water system, except as permitted by section 1 of [P.L.1992, c.215 \(C.40:14B-22.2\)](#), and may be based or computed either on the consumption of water on or in connection with the real property, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on the capacity of the improvements on or connected with the real property, or on any other factors determining the type, class, and amount of use, products, or services of the water system supplied or furnished, or on any combination of such factors, and may give weight to the characteristics of the water or water services, facilities, or products and, as to service outside the district, any other matter affecting the cost of supplying or furnishing the same, including the cost of installation of necessary physical properties.

Every municipal authority that furnishes water supply services or operates water supply facilities shall establish a rate structure that provides for uniform water service charges for water supply service and fire protection systems. A municipal authority rate structure providing water service charges for fire protection systems shall not impose water service charges upon a fire district

§ 40:14B-21. Water service charges

designated pursuant to [N.J.S.40A:14-70](#) or a fire department to the extent the water service charges are imposed upon customers of the municipal authority who are also taxpayers of the fire district or, for a fire department, of a local government unit that finances the operations of the fire department.

No municipal authority may impose standby fees or charges for any fire protection system to a residential customer served by a water service line of two inches or less in diameter.

Nothing in this section shall preclude a municipal authority from requiring separate dedicated service lines for fire protection. A municipal authority may require that fire service lines be metered. Nothing in this section shall alter the liability for maintenance and repair of service lines which exists on the effective date of [P.L.2003, c.278](#).

b. In addition to any such water service charges, a separate charge in the nature of a connection fee or tapping fee, in respect of each connection of any property with the water system, may be imposed upon the owner or occupant of the property so connected. Such connection charges shall be uniform within each class of users, except as provided by section 5 of [P.L.2005, c.29 \(C.40:14B-22.3\)](#) and except as provided by section 5 of [P.L.2005, c.173 \(C.40:14B-22.4\)](#), and the amount thereof shall not exceed the actual cost of the physical connection, if made by the authority, plus an amount computed in the following manner to represent a fair payment toward the cost of the system:

(1) The amount representing all debt service, including, but not limited to, sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and interest thereon, paid by a municipal authority to defray the capital cost of developing the system as of the end of the immediately preceding fiscal year of the authority shall be added to all capital expenditures made by the authority not funded by a bond ordinance or debt for the development of the system as of the end of the immediately preceding fiscal year of the authority.

(2) Any gifts, contributions, or subsidies to the authority received from and not reimbursed or reimbursable to any federal, State, county, or municipal government or agency or any private person, and that portion of amounts paid to the authority by a public entity under a service agreement or service contract which is not repaid to the public entity by the authority, shall then be subtracted.

(3) The remainder shall be divided by the total number of service units served by the authority at the end of the immediately preceding fiscal year of the authority, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector, to produce the connector's contribution to the cost of the system. In attributing service units to each connector, the estimated average daily flow of water for the connector shall be divided by the average daily flow of water to the average single-family residence in the authority's district to produce the number of service units to be attributed.

c. The connection fee shall be recomputed at the end of each fiscal year of the authority after a public hearing is held in the manner prescribed in section 23 of P.L.1957, c.183 ([C.40:14B-23](#)). The revised connection fee may be imposed upon those who subsequently connect in that fiscal year to the system. The combination of such connection fee or tapping fee and the aforesaid water service charges all [shall] meet the requirements of section 23 of P.L.1957, c.183 ([C.40:14B-23](#)).

d. The foregoing notwithstanding, no municipal authority shall impose any charges or fees in excess of the cost of water actually used for any sprinkler system required to be installed in any residential health care facility pursuant to the "Health Care Facilities Planning Act," P.L.1971,

§ 40:14B-21. Water service charges

c.136 ([C.26:2H-1](#) et seq.) and regulations promulgated thereunder or in any rooming or boarding house pursuant to the "Rooming and Boarding House Act of 1979," P.L.1979, c.496 ([C.55:13B-1](#) et al.) and regulations promulgated thereunder. Nothing herein shall preclude any municipal authority from charging for the actual cost of water main connections, except as provided by section 5 of [P.L.2005, c.29](#) ([C.40:14B-22.3](#)) and except as provided by section 5 of [P.L.2005, c.173](#) ([C.40:14B-22.4](#)).

History

L. 1957, c. 183, § 21; amended 1977, c. 441; 1981, c. 514, § 5; 1985, c. 526, § 2; [1994, c. 78](#), § 3; [2003, c. 278](#), § 1, eff. Jan. 14, 2004; [2005, c. 29](#), § 3, eff. Jan. 26, 2005; [2005, c. 173](#), § 3, eff. Aug. 5, 2005; [2025, c. 267](#), § 1, effective January 12, 2026.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-21.1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-21.1. Hydroelectric power; sale at wholesale; authority to charge and collect rents, rates, fees or other charges

Every municipal authority is hereby authorized to charge and collect rents, rates, fees or other charges for sale of hydroelectric power at wholesale.

History

L. 1980, c. 34, 7, eff. June 6, 1980.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

[N.J. Stat. § 40:14B-22](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-22. Sewerage service charges

Every municipal authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as “sewerage service charges”) for direct or indirect connection with, or the use or services of, the sewerage system. Such sewerage service charges may be charged to and collected from any person contracting for such connection or use or services or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the sewerage system or from or on which originates or has originated sewage or other wastes which directly or indirectly have entered or may enter the sewerage system, and the owner of any such real property shall be liable for and shall pay such sewerage service charges to the municipal authority at the time when and place where such sewerage service charges are due and payable. Such rents, rates, fees and charges, being in the nature of use or service charges, shall as nearly as the municipal authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the sewerage system, except as permitted by section 1 of [P.L. 1992, c. 215 \(C. 40:14B-22.2\)](#), and may be based or computed either on the consumption of water on or in connection with the real property, making due allowance for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on the capacity of the improvements on or connected with the real property, or on any other factors determining the type, class and amount of use or service of the sewerage system, or on any combination of any such factors, and may give weight to the characteristics of the sewage and other wastes and any other special matter affecting the cost of treatment and disposal of the same, including chlorine demand, biochemical oxygen demand, concentration of solids and chemical composition, and, as to service outside the district, the cost of installation of necessary physical properties.

In addition to any such sewerage service charges, a separate charge in the nature of a connection fee or tapping fee, in respect of each connection of any property with the sewerage system, may be imposed upon the owner or occupant of the property so connected. Such connection charges shall be uniform within each class of users, except as provided by section 5 of [P.L. 2005, c. 29 \(C. 40:14B-22.3\)](#) and except as provided by section 5 of [P.L. 2005, c. 173 \(C. 44:14B-22.4\)](#), and the amount thereof shall not exceed the actual cost of the physical connection, if made by the authority, plus an amount computed in the following manner to represent a fair payment towards the cost of the system:

- a.** The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and the interest thereon, paid by the municipal authority to defray the capital cost of developing the system as

§ 40:14B-22. Sewerage service charges

of the end of the immediately preceding fiscal year of the authority shall be added to all capital expenditures made by a municipal authority not funded by a bond ordinance or debt for the development of the system as of the end of the immediately preceding fiscal year of the authority.

b. Any gifts, contributions or subsidies to the authority received from, and not reimbursed or reimbursable to, any federal, State, county or municipal government or agency or any private person, and that portion of amounts paid to the authority by a public entity under a service agreement or service contract which is not repaid to the public entity by the authority, shall then be subtracted.

c. The remainder shall be divided by the total number of service units served by the authority at the end of the immediately preceding fiscal year of the authority, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector. In attributing service units to each connector, the estimated average daily flow of sewage for the connector shall be divided by the average daily flow of sewage from the average single family residence in the authority's district, to produce the number of service units to be attributed.

The connection fee shall be recomputed at the end of each fiscal year of the authority, after a public hearing is held in the manner prescribed in section 23 of P.L. 1957, c. 183 ([C. 40:14B-23](#)). The revised connection fee may be imposed upon those who subsequently connect in that fiscal year to the system.

The combination of such connection fee or tapping fee and the aforesaid sewerage service charges shall meet the requirements of section 23.

History

L. 1957, c. 183, § 22; amended 1971, c. 298, § 1; 1985, c. 526, § 3; [1992, c. 215](#), § 2; [2005, c. 29](#), § 4, eff. Jan. 26, 2005; [2005, c. 173](#), § 4, eff. Aug. 5, 2005.

N.J. Stat. § 40:14B-22a

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-22a. Municipal authority may charge certain additional fees

- a.** For a property connected to the water or sewerage system for less than 20 years, a municipal authority may charge an additional connection or tapping fee for an addition, alteration, or change in use that materially increases the level of use and imposes a greater demand on the water or sewerage system, but does not involve a new physical connection of the property to the water or sewerage system.
- b.** The connection or tapping fee authorized by subsection a. of this section shall be equal to the amount by which the increased use and demand on the water or sewerage system exceeds the use and demand that existed prior to such addition, alteration, or change in use.
- c.** Nothing in this section shall be construed to preclude a municipal authority from charging a new or additional connection or tapping fee for any new or additional connection of a property to the water or sewerage system, or for any increase in the size of an existing connection or for any new construction of additional service units connected to the water or sewerage system that materially increases the level of use or demand on the water or sewerage system.
- d.** As used in this section, “materially increases” means any increase in the number of service units; or any other change which increases the level of use or demand on the water or sewerage system by 15 percent or more over the highest actual annual use and demand that existed during the prior 10-year period immediately preceding the addition, alteration, or change in use; provided, however, that, if the property has been connected to the water or sewerage system for less than 10 years, the average level of use and demand shall be calculated based on the actual period of connection.

History

L. [2018, c. 74](#), § 4, effective August 10, 2018.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-22.1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-22.1. Solid waste service charges

Every municipal authority is hereby authorized to charge and collect rents, rates, fees or other charges (in this act sometimes referred to as “solid waste service charges”) for the use or services of the solid waste system. Such solid waste service charges may be charged to and collected from any municipality or any person contracting for such use or services or from the owner or occupant, or both of them, of any real property from or on which originates or has originated any solid waste to be treated by the solid waste system of the authority, and the owner of any such real property shall be liable for and shall pay such solid waste service charges to the municipal authority at the time when and place where such solid waste service charges are due and payable. Such rents, rates, fees and charges, being in the nature of use or service charges, shall as nearly as the authority shall deem practicable and equitable be uniform throughout the county for the same type, class and amount of use or service of the solid waste system, except as permitted by section 1 of [P.L.1992, c.215 \(C.40:14B-22.2\)](#), and may be based or computed on any factors determining the type, class and amount of use or service of the solid waste system, and may give weight to the characteristics of the solid waste and any other special matter affecting the cost of treatment and disposal of the same.

History

L. 1977, c. 384, § 15; amended [1992, c. 215](#), § 3.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

[N.J. Stat. § 40:14B-22.2](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-22.2. Reduced, abated rents, rates, fees by municipal authority providing electricity.

Any municipal or county authority, including any municipal authority which provides electricity to a single municipality, may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any municipal or county authority may establish within its district rates or schedules which provide for a reduction or total abatement of the rents, rates, fees, or other charges which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, [42 U.S.C. § 301](#) et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the “Pharmaceutical Assistance to the Aged and Disabled” (PAAD) program, P.L.1975, c.194 ([C.30:4D-20](#) et seq.) or has a total income not in excess of \$10,000 per year exclusive of benefits under any one of the following:

- a. The federal Social Security Act, [42 U.S.C. § 301](#) et seq. and all amendments and supplements thereto;
- b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal “Railroad Retirement Act of 1974,” [45 U.S.C. § 231](#) et seq., and federal pension, disability and retirement programs; or
- c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

History

L. [1992, c. 215](#), § 1; amended [1994, c. 78](#), § 4; [2016, c. 102](#), § 1, effective January 9, 2017.

§ 40:14B-22.2. Reduced, abated rents, rates, fees by municipal authority providing electricity.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-22.3](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-22.3. Utilities authority, reduced fees for certain affordable housing projects

- a.** A county, regional or municipal utilities authority shall establish within its rates or schedules a 50% reduction in the connection fee or tapping fee assessed pursuant to section 21 of P.L.1957, c.183 (*C.40:14B-21*) for new connections to the water system and a 50% reduction in the connection fee or tapping fee assessed pursuant to section 22 of P.L.1957, c.183 (*C.40:14B-22*) for new connections to the sewerage system which are to be charged to public housing authorities, to non-profit organizations building affordable housing projects, and to any other affordable housing, including affordable housing units in inclusionary projects.
- b.** For units previously connected to the authority's system that were demolished or refurbished to allow for new affordable housing units and for which a connection fee was previously paid, a county, regional or municipal utilities authority shall establish within its rates or schedules a credit against the connection fee or tapping fee to be assessed for connection with the water system or the sewerage system to public housing authorities, non-profit organizations building affordable housing projects, and to any other affordable housing, including affordable housing units in inclusionary projects. The credit shall be the connection fee or tapping fee previously assessed and paid for connection with the water system or the sewerage system for units previously connected to the authority's system.
- c.** The connection fee or tapping fee assessable against a public housing authority, non-profit organization, or other affordable housing owner, for units previously connected to the authority's system that were demolished or refurbished to allow for new affordable housing units, including affordable housing units in inclusionary projects, shall be the lesser of the reduced rate provided for in subsection a. of this section, or the current non-reduced rate applicable to other types of housing developments minus the credit provided under subsection b. of this section for units for which a connection fee or tapping fee was previously paid, provided that said public housing authority, non-profit organization, or other affordable housing owner can establish the connection fee or tapping fee was previously assessed and paid for connection with the system. If the same cannot be established, the reduced rate provided for in subsection a. of this section shall be assessed.

History

L. [2005, c. 29](#), § 5, eff. Jan. 26, 2005; amended by [2018, c. 74](#), § 6, effective August 10, 2018.

§ 40:14B-22.3. Utilities authority, reduced fees for certain affordable housing projects

Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-22.4](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-22.4. Credit provided by utilities authority for damage caused by catastrophic event

a. For a unit damaged by a catastrophic event, a county, regional or municipal utilities authority shall provide, within two years after the date of the catastrophic event, a credit for the connection fee or tapping fee assessed pursuant to section 21 of P.L. 1957, c. 183 (*C. 40:14B-21*) for connection to the water system, or a credit for the connection fee or tapping fee assessed pursuant to section 22 of P.L. 1957, c. 183 (*C. 40:14B-22*) for connection to the sewerage system, or both, as the case may be, provided that:

- (1)** the unit was damaged by a catastrophic event during construction or refurbishing of the unit;
- (2)** the connection fee or tapping fee has been paid; and
- (3)** the damaged unit is refurbished or replaced with another unit and connected to the water system or the sewerage system, or both, as the case may be, within two years after the date of the catastrophic event.

If the refurbishing of the damaged unit or the construction of the unit replacing the damaged unit expands the water system use or the sewerage system use, or both, as the case may be, the property owner of the refurbished unit or the newly constructed unit, as applicable, shall be credited for any connection fee or tapping fee previously paid for the unit and shall be assessed the difference between the credit and the connection fee or tapping fee, as applicable, for the new class of use.

b. For the purposes of this section, “catastrophic event” means a fire or any declared national, State or municipal emergency or a flood or other natural disaster or event which substantially affects or damages a building or structure; and “unit” means any publicly or privately owned real property that is a building or part of a building that is connected to, or, after construction or refurbishing, is to be connected to, a water system or a sewerage system, or both, as the case may be, and shall include, but shall not be limited to, any building or part of a building leased, operated, or owned by a municipality or a school district

History

L. [2005, c. 173](#), § 5, eff. Aug. 5, 2005.

§ 40:14B-22.4. Credit provided by utilities authority for damage caused by catastrophic event

End of Document

N.J. Stat. § 40:14B-22.5

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-22.5. Credit toward certain fees provided by municipal authority

- a.** A municipal authority shall provide a credit applicable toward a connection or tapping fee to be charged for a reconnection of a disconnected property that was previously connected to the water or sewerage system, provided that:
- (1)** the property has been connected to the water or sewerage system for at least 20 years; and
 - (2)** service charges have been paid for the property in at least one of the last five years.
- b.** The credit required under subsection a. of this section shall be calculated as follows:
- (1)** If the reconnection does not require any new physical connection or does not increase the nature or size of the service or the number of service units, or does not expand the use of the water or sewerage system, the credit shall be equal in amount to the new connection or tapping fee.
 - (2)** If the reconnection requires a new physical connection, increases the nature or size of the service or the number of service units, or expands the use of the water or sewerage system, the credit shall be equal in amount to any connection or tapping fee previously paid for the property, and the municipal authority shall charge the difference between the credit and the connection or tapping fee for the new use or class.
 - (3)** If no connection or tapping fee was ever paid for the property, but all service charges due and owing on the property have been paid for at least 20 years, the credit shall be equal in amount to the new connection or tapping fee; provided, however, that any charges due and owing pursuant to paragraph (2) of this subsection shall be paid.
- c.** If no connection or tapping fee was ever paid for a disconnected property that is to be reconnected and which was previously connected to the water or sewerage system for at least 20 years, the municipal authority shall charge, in addition to any amount due and owing after application of a credit pursuant to this section, a connection or tapping fee equal to the lesser of:
- (1)** 20 percent of the service charges that would have been paid based upon the usage for the last full year that the property was connected to the water or sewerage system for the period from the date of the disconnection from the water or sewerage system to the date of the new connection; or
 - (2)** the new connection fee.
- d.** A credit shall not be allowed under this section for a property that has been disconnected from the water or sewerage system for more than five years.

§ 40:14B-22.5. Credit toward certain fees provided by municipal authority

e. As used in this section, “disconnected property” means a property that has been physically disconnected from the water or sewerage system or a property not physically disconnected but to which service has been discontinued without payments being made. A “disconnected property” shall not include a property that has been temporarily disconnected from the water or sewerage system or to which service has been discontinued without payments being made for less than 12 consecutive months and is being reconnected as it existed, prior to the temporary disconnection or discontinuance of service.

History

L. [2018, c. 74](#), § 5, effective August 10, 2018.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-23

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-23. Municipal authorities; public notice, utility charges, adjustments

Every municipal authority shall prescribe and from time to time when necessary revise a schedule of all its service charges, which may provide a single rent, rate, fee or charge for any of its utility charges and which shall comply with the terms of any contract of the municipal authority and may be such that the revenues of the municipal authority will at all times be adequate to pay the expenses of operation and maintenance of the utility system, including reserves, insurance, extensions, and replacements, and to pay the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the municipal authority or as may be deemed necessary or desirable by the municipal authority. Said schedule shall thus be prescribed and from time to time revised by the municipal authority after public hearing thereon which shall be held by the municipal authority at least 20 days after notice of the proposed adjustment is mailed to the clerk of each municipality serviced by the authority and publication of notice of the proposed adjustment of the service charges and of the time and place of the public hearing in at least two newspapers of general circulation in the area serviced by the authority. The municipal authority shall provide evidence at the hearing showing that the proposed adjustment of the service charges is necessary and reasonable, and shall provide the opportunity for cross-examination of persons offering such evidence, and a transcript of the hearing shall be made and a copy thereof shall be available upon request to any interested party at a reasonable fee; or in lieu of providing a transcript of the hearing, the municipal authority may provide any interested party with a live recording of the hearing without cost to the interested party. The municipal authority may provide the live recording to an interested party in an audiovisual format with video and audio, or in a format without live video. The authorization to provide a live recording under this subsection shall not limit any duty of the municipal authority to provide a government record as required pursuant to P.L.1963, c.73 ([C.47:1A-1](#) et seq.), known as the open public records act. The municipal authority shall likewise fix and determine the time or times when and the place or places where such service charges shall be due and payable and may require that such service charges shall be paid in advance for periods of not more than one year. A copy of such schedule of service charges in effect shall at all times be kept on file at the principal office of the municipal authority and shall at all reasonable times be open to public inspection.

History

§ 40:14B-23. Municipal authorities; public notice, utility charges, adjustments

L. 1957, c. 183, p. 652, 23, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, 10, eff. Feb. 10, 1978; L. 1981, c. 125, 2, eff. April 27, 1981; L. 1985, c. 118, 2, eff. April 9, 1985; [2023, c. 39](#), § 2, effective May 8, 2023.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-23.1](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-23.1. Definitions; host community benefit.

a. As used in this section:

“Residential property” means any building or part of a building used, to be used or held for use as a home or residence, together with the land upon which it is situate. A residential property shall include single family dwellings, multifamily dwellings as defined under subsection (k) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L.1967, c.76 ([C.55:13A-1](#) et seq.), and other rental unit property, and individual residences within a horizontal property regime as defined pursuant to the “Horizontal Property Act,” P.L.1963, c.168 ([C.46:8A-1](#) et seq.), or a condominium as defined pursuant to the “Condominium Act,” P.L.1969, c.257 ([C.46:8B-1](#) et seq.), units in a cooperative, and units in a mutual housing corporation;

“Cooperative” means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association;

“Mutual housing corporation” means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis within the scope of section 607 of the “National Defense Housing Act,” [Pub. L. 76-849](#), ([42 U.S.C. 1521](#) et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act;

“Qualified resident” means a person who owns, rents or occupies residential property;

“Qualified entity” means a building or facility which is owned and used by:

- (1)** a public or private school, university, college or seminary for either classroom space or administrative office space;
- (2)** a church, synagogue or temple for holding religious services, or which is used to house church-, synagogue- or temple- related personnel;
- (3)** a clinic or hospital, including a residential building which is used to house personnel who are employed by the clinic or hospital;
- (4)** a nonprofit organization which operates under the provisions of Title 15A of the New Jersey Statutes, for the purposes for which the organization was created, or for administrative office space; or
- (5)** a business which has less than 10 full-time employees.

b. A city of the second class with a population of more than 79,000 but less than 88,000 according to the latest federal decennial census, located in a county of the second class with a

§ 40:14B-23.1. Definitions; host community benefit.

population of more than 455,000 but less than 510,000 according to the latest federal decennial census, and a county or municipal utilities authority whose operations plant is located within the city's boundaries may negotiate a host community benefit for qualified residents and qualified entities within the city. The benefit may be applied against the rate, fee or charge assessed pursuant to section 23 of P.L.1957, c.183 ([C.40:14B-23](#)) or the connection fee or tapping fee assessed pursuant to section 21 of P.L.1957, c.183 ([C.40:14B-21](#)), or both, at the discretion of the county or municipal utilities authority. The benefit shall be provided as a credit against the individual accounts of the qualified resident or entity, and the county or municipal utilities authority and the city shall negotiate the amount of the benefit. Upon agreement of the parties, the governing body of the city shall adopt an ordinance setting forth the specific requirements under the agreement. In cases in which a qualified resident is not billed directly for the county or municipal utilities authority's services, the city shall, as part of the ordinance setting forth the specific requirements of the agreement, establish procedures under which the owner of the appropriate property shall insure that the qualified resident is compensated for the amount of the credit.

History

L. [1991, c. 266](#), § 2; amended [2002, c. 43](#), § 64, eff. July 22, 2002.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-24

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-24. Appropriation of funds by local unit; construction, financing and operation of facilities by local unit

a. Any local unit shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the municipal authority, and to loan or donate such moneys to the municipal authority in such installments and upon such terms as may be agreed upon between such local unit and the municipal authority.

b. Subject to section 61 of this act ([C. 40:14B-60](#)), any local unit shall have the power to authorize as a general improvement or, in the case of a local unit which is a municipality, as a local improvement the construction and financing of any facilities for the collection, treatment and disposal of sewage or for the collection, recycling or disposal of solid waste within the district arising within a district, or any facilities for the distribution of water within a district. Subject to the consent and approval of the municipal authority, such facilities may be operated by the local unit and the local unit may fix rates and charges for the use thereof, in addition to the payment of any special assessments levied by a municipality against lands and real estate specially benefited by such improvements. As provided in section 48 of this act ([C. 40:14B-48](#)), such facilities may be acquired and operated by the municipal authority as a part of the utility system, notwithstanding that special assessments may be or may have been levied for such improvements by a municipality.

History

L. 1957, c. 183, p. 653, 24, eff. Aug. 22, 1957; Amended by L. 1970, c. 209, 3, eff. Sept. 30, 1970; L. 1977, c. 384, 11, eff. Feb. 10, 1978.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-25

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-25. Bond resolution

For the purpose of raising funds to pay the cost of any part of its utility system or for the purpose of funding or refunding any bonds, a municipal authority shall have power to authorize or provide for the issuance of bonds pursuant to this act. Such municipal authority shall adopt a resolution (in this act sometimes referred to as “bond resolution”) which shall

- (1)** describe in brief and general terms sufficient for reasonable identification the utility system or part thereof (in this act sometimes called “project”) to be constructed or acquired, or describe the bonds which are to be funded or refunded (if any);
- (2)** state the cost or estimated cost of the project (if any); and
- (3)** provide for the issuance of the bonds in accordance with section 26 of this act.

History

L. 1957, c. 183, p. 653, 25, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-26

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-26. Issuance of bonds

Upon adoption of a bond resolution, a municipal authority shall have power to incur indebtedness, borrow money and issue its bonds for the purpose of financing the project or of funding or refunding the bonds described therein. Such bonds shall be authorized by the bond resolution and may be issued in 1 or more series and shall bear such date or dates, mature at such time or times not exceeding 40 years from the date thereof, bear interest at a rate or rates within such maximum rate (not exceeding 6% per annum), be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption (with or without premium) as the bond resolution may provide.

History

L. 1957, c. 183, p. 654, 26, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-27

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-27. Sale of bonds

Bonds of a municipal authority may be sold by the municipal authority at public or private sale at such price or prices as the municipal authority shall determine; provided, however, that the interest cost to maturity of the money received for any issue of bonds (computed according to standard tables of bond values) shall not exceed 6% per annum.

History

L. 1957, c. 183, p. 654, 27, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-28

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-28. Publication of bond resolution; limitation on actions

Any municipal authority may cause a copy of any bond resolution adopted by it to be filed for public inspection in its office and in the office of clerk of the governing body of the local unit or units and may thereupon cause to be published in a newspaper published or circulating in the district a notice stating the fact and date of such adoption and the places where such bond resolution has been so filed for public inspection and also the date of the first publication of such notice and also that any action or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contract provided for by the bond resolution shall be commenced within 20 days after the first publication of such notice. If any such notice shall at any time be published and if no action or proceeding questioning the validity of the creation and establishment of the municipal authority, or the validity or proper authorization of bonds provided for by the bond resolution referred to in said notice, or the validity of any covenants, agreements or contract provided for by said bond resolution shall be commenced or instituted within 20 days after the first publication of said notice, then all residents and taxpayers and owners of property in the district and users of the utility system and all other persons whatsoever shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceedings, questioning the validity of the creation and establishment of the municipal authority, or the validity or proper authorization of such bonds, or the validity of any such covenants, agreements or contracts, and said municipal authority shall be conclusively deemed to have been validly created and established and to be authorized to transact business and exercise powers as a municipal authority under this act, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

History

L. 1957, c. 183, p. 654, 28, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-29

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-29. Negotiability of bonds

Any provision of any law to the contrary notwithstanding, any bond or other obligation issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law of the State, and each holder or owner of such a bond or other obligation, or of any coupon appurtenant thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond, obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said negotiable instruments law.

History

L. 1957, c. 183, p. 655, 29, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-30

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-30. Agreements with holders of bonds

Any bond resolution of a municipal authority providing for or authorizing the issuance of any bonds may contain provisions, and such municipal authority, in order to secure the payment of such bonds and in addition to its other powers, shall have power by provision in such bond resolution to covenant and agree with the several holders of such bonds, as to:

- (1) the custody, security, use, expenditure or application of the proceeds of the bonds;
- (2) the construction and completion, or replacement, of all or any part of the utility system;
- (3) the use, regulation, operation, maintenance, insurance or disposition of all or any part of the utility system, or restrictions on the exercise of the powers of the municipal authority to dispose, or to limit or regulate the use, of all or any part of the utility system;
- (4) payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank or priority of any such bonds or obligations as to any lien or security, or the acceleration of the maturity of any such bonds or obligations;
- (5) the use and disposition of any moneys of the municipal authority, including revenues (in this act sometimes called “system revenues”) derived or to be derived from the operation of all or any part of the utility system, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;
- (6) pledging, setting aside, depositing or trusteeing all or any part of the system revenues or other moneys of the municipal authority to secure the payment of the principal of or interest on the bonds or any other obligations or the payment of expenses of operation or maintenance of the utility system, and the powers and duties of any trustee with regard thereto;
- (7) the setting aside out of the system revenues or other moneys of the municipal authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;
- (8) determination or definition of the system revenues or of the expenses of operation and maintenance of the utility system;
- (9) the rents, rates, fees, or other charges for connection with or the use, products or services of the utility system, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of system revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

§ 40:14B-30. Agreements with holders of bonds

- (10) the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the utility system or any obligations having or which may have a lien on any part of the system revenues;
- (11) limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the municipal authority;
- (12) limitations on the powers of the municipal authority to construct, acquire or operate, or permit the construction, acquisition or operation of, any plants, structures, facilities or properties which may compete or tend to compete with the utility system;
- (13) vesting in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the municipal authority may determine which may include any or all of the rights, powers and duties of the trustee appointed by the holders of bonds pursuant to section 31 of this act, and limiting or abrogating the right of such holders to appoint a trustee pursuant to section 31 of this act or limiting the rights, duties and powers of such trustee;
- (14) payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolution or of any covenant or contract with the holders of the bonds;
- (15) the procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or
- (16) any other matter or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of the bond resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the municipal authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by appropriate action, suit or proceeding in any court of competent jurisdiction, or by proceeding in lieu of prerogative writ.

History

L. 1957, c. 183, p. 656, 30.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-31

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-31. Bond provisions

(a) If the bond resolution of a municipal authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of such series shall be entitled to the benefits of this section, then in the event that there shall be a default in the payment of principal of or interest on any bonds of such series after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or in the event that the municipal authority shall fail or refuse to comply with the provisions of this act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any such bonds, and such failure or refusal shall continue for a period of 30 days after written notice to the municipal authority of its existence and nature, the holders of 25% in aggregate principal amount of the bonds and such series then outstanding by instrument or instruments filed in the office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of such series for the purposes provided in this section.

(b) Such trustee may and upon written request of the holders of 25% in aggregate principal amount of the bonds of such series then outstanding shall, in his or its own name:

- (1)** By any action, writ, proceeding in lieu of prerogative writ, or other proceeding, enforce all rights of the holders of such bonds, including the right to require the municipal authority to charge and collect service charges adequate to carry out any contract as to, or pledge of, system revenues, and to require the municipal authority to carry out and perform the terms of any contract with the holders of such bonds or its duties under this act;
- (2)** Bring an action upon all or any part of such bonds or interest coupons or claims appurtenant thereto;
- (3)** By action, require the municipal authority to account as if it were the trustee of an express trust for the holders of such bonds;
- (4)** By action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; or
- (5)** Declare all such bonds due and payable, whether or not in advance of maturity, upon 30 days' prior notice in writing to the municipal authority and, if all defaults shall be made good, then with the consent of the holders of 25% of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

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

§ 40:14B-31. Bond provisions

(d) In any action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, shall constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any service charges and system revenues of the municipal authority pledged for the payment or security of bonds of such series.

History

L. 1957, c. 183, p. 658, 31, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-32

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-32. Receivers

If the bond resolution of a municipal authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of such series shall be entitled to the benefits of section 31 of this act and shall further provide in substance that any trustee appointed pursuant to said section or having the powers of such a trustee shall have the powers provided by this section, then such trustee, whether or not all of the bonds of such series shall have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the utility system, and such receiver may enter upon and take possession of the utility system and, subject to any pledge or contract with the holders of such bonds, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction of the utility system and proceed with such acquisition, construction, operation, maintenance or reconstruction which the municipal authority is under any obligation to do, and operate, maintain and reconstruct the utility system and fix, charge, collect, enforce and receive the service charges and all system revenues thereafter arising subject to any pledge thereof or contract with the holders of such bonds relating thereto and perform the public duties and carry out the contracts and obligations of the municipal authority in the same manner as the municipal authority itself might do and under the direction of the court.

History

L. 1957, c. 183, p. 660, 32, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-33

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-33. Liability on bonds

Neither the members of the municipal authority nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance thereof. Bonds or other obligations issued pursuant to this act shall not be in any way a debt or liability of the State, and bonds or other obligations issued by a municipal authority pursuant to this act shall not be in any way a debt or liability of the State or of any local unit or of any county or municipality and shall not create or constitute any indebtedness, liability or obligation of the State or of any such local unit, county or municipality, either legal, moral or otherwise, and nothing in this act contained shall be construed to authorize any municipal authority to incur any indebtedness on behalf of or in any way to obligate the State or any county or municipality.

History

L. 1957, c. 183, p. 661, 33, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-34

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-34. Eminent domain

Every municipal authority is hereby empowered, in its own name but for the local unit or units, to acquire by purchase, gift, grant or devise and to take for public use real property, within or without the district, which may be deemed by the municipal authority necessary for its purposes, including public lands, waters, parks, roads, playgrounds, reservations and public or private rights in waters within or without the district, and any property within or without the district owned by or in which any county, municipality or political subdivision of the State, or public body or agency of such political subdivision, has any right, title or interest. Such municipal authority is hereby empowered to acquire and take such real property, including any such public property or such public interests therein, by condemnation, in the manner provided in P.L.1971, c. 361 ([C. 20:3-1](#) et seq.) and, to that end, may invoke and exercise in the manner or mode of procedure prescribed in said chapter, either in its own name or in the name of any local unit or units, all of the powers of such local unit or units to acquire or take property for public use; provided, however, that, notwithstanding the foregoing or any other provision of this act, no municipal authority shall acquire or take, by condemnation, any real property owned by the State or in which the State has any right, title or interest or real property in use as part of any system of water supply or distribution actually serving 50 or more parcels of real property or real property owned by a municipal or county government or any agency thereof which is utilized as part of a utility system thereby; and provided, further, that, notwithstanding the foregoing or any other provision of this act, no municipal authority shall acquire or take, by condemnation, any real property situate without the district owned or occupied by any county, municipality or other political subdivision of the State, except rights-of-way or easements for the location, construction, maintenance, renewal, relocation and removal of collecting, distribution and transmission pipes, mains, conduits, manholes, gatehouses, appurtenances and other like facilities, and for access thereto.

History

L. 1957, c. 183, p. 661, 34, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, 12, eff. Feb. 10, 1978.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-35

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§§ 40:14B-35 to 40:14B-39. Repealed by L. 1977, c. 384, § 16, eff. Feb. 10, 1978

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-40](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-40. Additional powers

a. In addition to other powers conferred by this act or by any other law, and not in limitation thereof, every municipal authority, in connection with construction or operation of any part of a utility system, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (herein called “facilities”) of any public utility, as defined in section [48:2-13](#) of the Revised Statutes, in, on, along, over or under any real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations. Whenever in connection with construction or operation of any part of a utility system, any municipal authority shall determine that it is necessary that any such facilities, which now are, or hereafter may be, located in, on, along, over or under any such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, should be relocated in such real property, including public lands, waters, parks, roads, streets, highways, playgrounds and reservations, or should be removed therefrom, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the municipal authority, provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands or any rights or interest in lands, or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such property, shall be paid by the municipal authority and may be included in the cost of such utility system. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location.

b. In addition to the powers conferred by subsection a. of this section, an authority that is a pilot county utilities authority also shall have the power to fund improvements to county infrastructure in municipalities that are located in the pilot county and are served by the pilot county utilities authority, through the pilot county utilities authority’s undesignated fund balance or unreserved retained earnings. Any such infrastructure improvements shall only be made by written agreement between the pilot county utilities authority and the governing body of the pilot county, and only following application to and approval by the Director of Local Government Services in the Department of Community Affairs.

History

§ 40:14B-40. Additional powers

L. 1957, c. 183, p. 665, § 40, eff. Aug. 22, 1957; amended [2013, c. 190](#), § 6, eff. Jan. 17, 2014.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-40.1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-40.1. Findings, declarations relative to infrastructure maintenance [Expires January 17, 2018]

The Legislature finds and declares that:

Infrastructure maintenance and repair are vital to the economy and quality of life in the State of New Jersey.

Infrastructure maintenance and repair continue to be insufficiently funded throughout the State.

Property taxes in this State continue to be a serious burden to local property taxpayers and so cannot be relied upon to fund necessary infrastructure maintenance and repairs.

It is in the public interest to develop additional funding sources to provide for necessary maintenance and repair of infrastructure within the State.

County utilities authorities with surplus funds offer one such additional funding source and a pilot program should be developed to explore the efficacy of using those surplus funds for these infrastructure purposes.

History

L. [2013, c. 190](#), § 1, eff. Jan. 17, 2014.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-40.2

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-40.2. Pilot program to allow county utilities authorities to fund infrastructure improvements [Expires January 17, 2018]

- a.** There is established a pilot program to evaluate the efficiency and functionality of allowing county utilities authorities in certain counties, through the use of their undesignated fund balance or unreserved retained earnings, to fund improvements to county infrastructure in municipalities that are located in those counties and that are served by those county utilities authorities, as another method to repair or replace aging county infrastructure through a means other than the local property tax.
- b.** Under this pilot program created herein, the participating county utilities authorities shall be those created by the pilot counties.
- c.** Upon application to and approval by the Director of Local Government Services in the Department of Community Affairs, the pilot county utilities authorities shall be permitted to fund improvements within the counties, and each shall report to the Director of Local Government Services annually on the county projects that have been funded by the county utilities authorities.

History

L. [2013, c. 190](#), § 2, eff. Jan. 17, 2014.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-41

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-41. Interest on unpaid services charges

- a.** In the event that a service charge of any municipal authority with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the municipal authority on the unpaid balance at the rate of 1 1/2 percent per month until such service charge, and the interest thereon, shall be fully paid to the municipal authority.
- b.** Notwithstanding the provisions of subsection a. of this section regarding delinquent payments, if the Governor has declared a public health emergency pursuant to the “Emergency Health Powers Act,” [P.L.2005, c.222 \(C.26:13-1](#) et seq.), or a state of emergency, pursuant to P.L.1942, c.251 ([C.App.A:9-33](#) et seq.), or both, in response to a flood, hurricane, superstorm, tornado, natural or other disaster, or public health emergency that the municipal authority has experienced, then, for the duration of the public health emergency, state of emergency, or both and for a period up to 90 days after the public health emergency, state of emergency, or both, are no longer in effect, the municipal authority may, in its discretion, refrain from charging interest on the delinquent payment. A municipal authority shall exercise the discretionary authority it is provided under this subsection consistently to all properties, or to all properties of the same use type or other appropriate category.

History

L. 1957, c. 183, p. 666, 41, eff. Aug. 22, 1957; Amended by L. 1981, c. 530, 2, eff. Jan. 12, 1982; [2020, c. 39](#), § 2, eff. June 19, 2020, retroactive to Mar. 9, 2020.

[N.J. Stat. § 40:14B-42](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-42. Lien for service charge

a. In the event that a service charge of any municipal authority with regard to any parcel of real property owned by any person other than the State or an agency or subdivision thereof shall not be paid as and when due, the unpaid balance thereof and all interest accruing thereon shall be a lien on such parcel. Such lien shall be superior and paramount to the interest in such parcel of any owner, lessee, tenant, mortgagee or other person except the lien of municipal taxes and shall be on a parity with and deemed equal to the lien on such parcel of the municipality where such parcel is situate for taxes thereon due in the same year and not paid when due. Such lien shall not bind or affect a subsequent bona fide purchaser of such parcel for a valuable consideration without actual notice of such lien, unless the municipal authority shall have filed in the office of the collector or other officer of said municipality charged with the duty of enforcing municipal liens on real property a statement showing the amount and due date of such unpaid balance and identifying such parcel, which identification may be sufficiently made by reference to the assessment map of said municipality. The information shown in such statement shall be included in any certificate with respect to said parcel thereafter made by the official of said municipality vested with the power to make official certificates of searches for municipal liens. Whenever such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall have been fully paid to the municipal authority, such statement shall be promptly withdrawn or canceled by the municipal authority.

b. Notwithstanding the provisions of subsection a. of this section regarding delinquent payments, if the Governor has declared a public health emergency pursuant to the “Emergency Health Powers Act,” [P.L.2005, c.222 \(C.26:13-1](#) et seq.), or a state of emergency, pursuant to P.L.1942, c.251 ([C.App.A:9-33](#) et seq.), or both, in response to a flood, hurricane, superstorm, tornado, natural or other disaster, or public health emergency that the municipal authority has experienced, then, for the duration of the public health emergency, state of emergency, or both and for a period up to 90 days after the public health emergency, state of emergency, or both, are no longer in effect, the municipal authority may, in its discretion, refrain from placing a lien on such parcel of real property for the unpaid balance for any service charge and all interest accruing thereon. A municipal authority shall exercise the discretionary authority it is provided under this subsection consistently to all properties, or to all properties of the same use type or other appropriate category.

History

§ 40:14B-42. Lien for service charge

L. 1957, c. 183, p. 667, 42, eff. Aug. 22, 1957; [2020, c. 39](#), § 3, eff. June 19, 2020, retroactive to Mar. 9, 2020.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-43

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-43. Failure to pay service charge; shut off of service

In the event that any service charge of any municipal authority with regard to any parcel of real property shall not be paid as and when due, the municipal authority, may, in its discretion, enter upon such parcel and cause any connection or connections thereof leading directly or indirectly to or from the utility system to be cut and shut off until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the municipal authority.

History

L. 1957, c. 183, p. 667, 43, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-44

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-44. Failure to pay sewer service charge; shut off of water

In the event that a sewer service charge of any municipal authority with regard to any parcel of real property shall not be paid as and when due, the municipal authority may, in accordance with section 57 of this act, cause the supply of water to such parcel by any county, municipality or other person to be stopped or restricted until such sewer service charge and any subsequent sewer service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the municipal authority. If for any reason such supply of water shall not be promptly stopped or restricted as required by section 57 of this act, the municipal authority may itself shut off or restrict such supply and, for that purpose, may enter on any lands, waters or premises of any county, municipality or other person. Such supply of water to such parcel shall, notwithstanding the provisions of this section, be restored or increased if the State Department of Health, upon application of the local board of health or health officer of the municipality where such parcel is situate, shall after public hearing find and shall certify to the municipal authority that the continuance of such stopping or restriction of such supply of water endangers the health of the public in such municipality.

History

L. 1957, c. 183, p. 668, 44, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-45

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-45. Enforcement of service charges

The collector or other officer of every municipality charged by law with the duty of enforcing municipal liens on real property shall enforce, with and as any other municipal lien on real property in such municipality, all service charges and the lien thereof shown in any statement filed with him by any municipal authority pursuant to section 42 of this act, and shall pay over to the municipal authority the sums or a pro rata share of the sums realized upon such enforcement or upon liquidation of any property acquired by the municipality by virtue of such enforcement.

History

L. 1957, c. 183, p. 668, 45, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-46

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-46. Civil action to recover unpaid service charge

In the event that any service charge of a municipal authority shall not be paid as and when due, the unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the municipal authority in a civil action, and any lien on real property for such service charge and interest accrued thereon may be foreclosed or otherwise enforced by the municipal authority by action or suit in equity as for the foreclosure of a mortgage on such real property.

History

L. 1957, c. 183, p. 669, 46, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-47

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-47. Cumulative and concurrent rights and remedies

All rights and remedies granted by this act for the collection and enforcement of service charges shall be cumulative and concurrent.

History

L. 1957, c. 183, p. 669, 47, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-48

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-48. Grant of utilities to authority

Any county, by resolution of its governing body, or any municipality, by ordinance of its governing body, or any other person is hereby empowered, without any referendum, to sell, lease, lend, grant or convey to any municipal authority, or to permit any municipal authority to use, maintain or operate as part of the utility system, any real or personal property owned by it, including all or any part of any water supply, water distribution or sewerage facilities, which may be necessary or useful and convenient for the purposes of the municipal authority and accepted by the municipal authority. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and on any terms and conditions which may be approved by such county, municipality or other person and which may be agreed to by the municipal authority in conformity with its contracts with the holders of any bonds. Subject to any such contracts with holders of bonds, the municipal authority may enter into and perform any and all agreements with respect to property so accepted by it, including agreements for the assumption of principal or interest or both of indebtedness of such county, municipality or other person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the utility system.

History

L. 1957, c. 183, p. 669, 48, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-49

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-49. Contracts for treatment and disposal of sewage or solid waste

Any municipal authority for the carrying out and effectuation of its purposes, and (a) any of the local units (b) any other municipality whether within or without the district and (c) any other municipal authority, any sewerage authority or any other public body of the State empowered to treat or dispose of sewage or solid waste (all such local units, municipalities, other municipal authorities, sewerage authorities and other bodies being hereinafter referred to individually as a “governmental unit”) for fostering the relief of waters in, bordering or entering the territorial area of the governmental unit from pollution or threatened pollution or assisting the municipal authority in carrying out and effectuating its purposes, may enter into a contract or contracts providing for or relating to the collection, treatment and disposal of sewage or solid waste originating in the district or received by the municipal authority, or originating in the territorial area of or collected by the governmental unit, by means of the sewerage or solid waste system or any sewerage or solid waste facilities of the governmental unit or both, and the cost and expense of such collection, treatment and disposal. Any municipal authority for the carrying out and effectuation of its purposes, and (a) any of the local units (b) any other municipality whether within or without the district and (c) any other municipal authority, any sewerage authority or any other public body of the State empowered to sell and supply water (all such local units, municipalities, other municipal authorities, sewerage authorities and other bodies being hereinafter referred to individually as a “governmental unit”) for fostering the provision and distribution of an adequate supply of water within the territorial area of the governmental unit or assisting the municipal authority in carrying out and effectuating its purposes may enter into a contract or contracts providing for or relating to the sale or supplying of water to such municipal authority or to the governmental unit or to persons or properties within the district or the governmental unit, and the cost and expense of such sale or supplying of water. Any such contract may provide for the payment to the municipal authority by the governmental unit annually or otherwise of such sum or sums of money, computed at fixed amounts or by a formula based on any factors or other matters described in section 21 or section 22 of this act or in any other manner, as said contract or contracts may provide, and may provide that the sum or sums so payable to the municipal authority shall be in lieu of all or any part of the service charges which would otherwise be charged and collected by the municipal authority with regard to persons or real property within the territorial area of the governmental unit. Such contract or contracts may also contain provisions as to the financing and payment of expenses to be incurred by the municipal authority and determined by it to be necessary for its purposes prior to the placing in operation of a sewerage, solid waste or water supply and distribution system and may provide for the payment by the governmental unit to the municipal authority for application to such expenses or indebtedness therefor such sum or sums of money, computed as said contract or contracts may provide and as the governing body (hereinafter described) of the governmental unit shall, by virtue of its authorization of and entry

§ 40:14B-49. Contracts for treatment and disposal of sewage or solid waste

into said contract or contracts, determine to be necessary for the purposes of the municipal authority. Every such contract shall be authorized and entered into under and pursuant to a resolution adopted by the authority in the case of municipal or other authority, an ordinance of the governing body in the case of a municipality, a resolution or ordinance of the governing body in the case of a county, and, in the case of any other public body, a resolution of the commission, council, board or body by whatever name it may be known (in this section sometimes referred to as "governing body") having charge of the finances of such public body, but the terms or text of said contract need not be set forth in full or stated in any such resolution or ordinance if the form of said contract is on file in the office of the clerk or other recording officer of the governmental unit or its governing body and the place in fact of such filing is described in the resolution or ordinance. Any such contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by or on behalf of the governmental unit and which may be agreed to by the municipal authority in conformity with its contracts with the holders of any bonds, and shall be valid whether or not an appropriation with respect thereto is made by the governmental unit prior to authorization or execution thereof. Every such governmental unit is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such governmental unit. Subject to any such contracts with the holders of bonds, the municipal authority is hereby authorized to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and, in accordance with any such contract, to waive, modify, suspend or reduce the service charges which would otherwise be charged and collected by the municipal authority with regard to persons or real property within the territorial area of the governmental unit, but nothing in this section or any such contract shall prevent the municipal authority from charging and collecting, as if such contract had not been made, service charges with regard to such persons and real property sufficient to meet any default or deficiency in any payments agreed in such contract to be made by such governmental unit.

History

L. 1957, c. 183, p. 670, 49, eff. Aug. 22, 1957; Amended by L. 1971, c. 297, 1, eff. Aug. 27, 1971; L. 1973, c. 192, 1, eff. June 28, 1973; L. 1977, c. 384, 13, eff. Feb. 10, 1978; L. 1979, c. 86, 14, eff. May 15, 1979.

N.J. Stat. § 40:14B-50

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-50. Effectuating terms of contracts

In order to carry out and effectuate its purposes, any municipal authority, subject to its contracts with the holders of any bonds, is hereby empowered to provide, construct, maintain and operate facilities for the treatment and disposal of industrial wastes originating within or without the district and to enter into a contract or contracts with any person on such terms and conditions as such contract or contracts may contain, providing for or relating to the treatment and disposal of any such industrial wastes. The municipal authority and such person are hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of such municipal authority or person.

History

L. 1957, c. 183, p. 671, 50, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-51

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-51. Connections with or closing off other public facilities

In order to carry out and effectuate its purposes, every municipal authority is hereby authorized to enter upon and connect with any existing public drains, sewers, conduits, pipelines, pumping and ventilating stations and sewage treatment plants or works or any other public property of a similar nature within the district and, if deemed necessary by the municipal authority, close off and seal outlets and outfalls therefrom. No municipal authority shall, however, take permanent possession or make permanent use of any such sewage treatment plant or works unless it acquires the same.

History

L. 1957, c. 183, p. 671, 51, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-52

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-52. Use of public places

In order to carry out and effectuate its purposes, every municipal authority is hereby authorized to construct, maintain and operate its utility system along, over, under and in any streets, alleys, highways and other public places within or without the district, doing no unnecessary injury thereto and making no unnecessary interruption in or interference with the public use of such places and restoring the same to their former usefulness and condition within a reasonable time.

History

L. 1957, c. 183, p. 672, 52, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-53

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-53. Availability of maps, plans, specifications, records, books and accounts

Each county and municipality within the district, and every person owning or operating any sewer or drain or any system of water distribution serving 3 or more parcels of real property in the district, shall at the request and expense of the municipal authority make available to the municipal authority any and all of its maps, plans, specifications, records, books, accounts or other data or things deemed necessary by the municipal authority for its purposes.

History

L. 1957, c. 183, p. 672, 53, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-54

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-54. Payment of service charges owed by public bodies

Each county, municipality and other public body shall promptly pay to any municipal authority all service charges which the municipal authority may charge to it, as owner or occupant of any real property, in accordance with section 21 or section 22 of this act, and shall provide for the payment thereof in the same manner as other obligations of such county, municipality or public body.

History

L. 1957, c. 183, p. 672, 54, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-55

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-55. Connections with sewerage system required

Each county, municipality and other person owning or operating any sewer or drain which serves 3 or more parcels of real property in the district and which discharges or is designed to discharge sewage into waters in or bordering the State shall, upon notice from the municipal authority of its availability and a proposed point of connection with the sewerage system, cause such sewer or drain to be connected with the sewerage system at such point and in such manner as the municipal authority may specify and shall thereafter cause said sewer or drain to discharge into the sewerage system.

History

L. 1957, c. 183, p. 672, 55, eff. Aug. 22, 1967.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-56

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-56. Reports by water distributors within district

Each county, municipality and other person owning or operating any system of water distribution serving 3 or more parcels of real property in the district shall, from time to time after request therefor by the municipal authority, deliver to the municipal authority copies of the records made by it in the regular course of business of the amount of water supplied by it to every such parcel of real property in the district. Such copies shall be delivered to the municipal authority within 60 days after the making of such records, and the municipal authority shall pay the reasonable cost of preparation and delivery of such copies.

History

L. 1957, c. 183, p. 673, 56, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-57

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-57. Stoppage of water by water distributor

Each county and municipality owning or operating any system of water distribution serving 3 or more parcels of real property in the district shall, and every other person owning or operating any such system may and is hereby authorized to enter into and perform a contract with the municipal authority that it will, upon request by the municipal authority specifying a parcel of real property in the district with regard to which a service charge under section 22 of this act is unpaid, cause the supply of water from its system to such parcel of real property to be stopped or restricted, as the municipal authority may request, until such service charge and any subsequent service charge with regard to such parcel and the interest accrued thereon shall be fully paid or until the municipal authority directs otherwise. No such county, municipality or other person shall be liable for any loss, damage or other claim based on or arising out of the stopping or restricting of such supply, and the municipal authority shall pay the reasonable cost of so stopping or restricting such supply and of restoring the same and may agree to indemnify such county, municipality or other person from all loss or damage by reason of such stopping or restriction, including loss of profits.

History

L. 1957, c. 183, p. 673, 57, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-58

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-58. Disposal or encumbrance of utility

Neither the municipal authority nor any local unit shall have power to mortgage, pledge, encumber or otherwise dispose of any part of the utility system, except that the municipal authority may dispose of such part or parts thereof as may be no longer necessary for the purposes of the municipal authority. The provisions of this section shall be deemed to constitute a part of the contract with the holder of any bonds.

History

L. 1957, c. 183, p. 674, 58, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-59

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-59. Exemption from levy

All property of a municipal authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against a municipal authority be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by a municipal authority on its system, revenues or other moneys.

History

L. 1957, c. 183, p. 674, 59, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-60

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-60. Discharge of sewage; discharges into sewage, solid waste or water systems; violations; injunction

- (a)** No county, municipality or person shall discharge or suffer to be discharged directly or indirectly into any waters in or bordering a district any sewage which may or will cause or contribute to the pollution of such waters; provided, that this prohibition shall be applicable only to such part or parts of such waters as are in an area of the district bounded and described in a notice, inserted at least once in a newspaper published or circulating in the district, to the effect that the municipal authority has provided facilities reasonably sufficient in its opinion for the treatment and disposal of sewage which by discharge into such waters might cause or contribute to pollution of such waters, and that pollution of such waters is forbidden by law. Such a notice shall constitute prima facie evidence of the existence of facilities sufficient for the treatment and disposal of all such sewage.
- (b)** No county, municipality or person shall discharge or suffer to be discharged directly or indirectly into the sewage system or the solid waste system of any municipal authority any matter or thing which is or may be injurious or deleterious to such sewerage system or solid waste system or to its efficient operation.
- (c)** No county, municipality or person shall discharge or suffer to be discharged directly or indirectly into the water system of any municipal authority or on any lands or into any waters tributary to such water system any matter or thing which is or may be injurious or deleterious to such water system or to its efficient operation or may or will cause or contribute to a danger to the health of the public in the district.
- (d)** Any county, municipality or person may be restrained, enjoined or otherwise prevented from violating or continuing the violation of any provision of this section in a proceeding in lieu of prerogative writ, or other appropriate proceeding, or in an action for injunctive or other relief instituted by a municipal authority or by any county prosecutor.
- (e)** No violation of any provision of this section shall be deemed to have occurred by reason of the discharge of sewage from any boat or vessel while afloat or on a marine railway in drydock.

History

L. 1957, c. 183, p. 674, 60, eff. Aug. 22, 1957; Amended by L. 1977, c. 384, 14, eff. Feb. 10, 1978.

§ 40:14B-60. Discharge of sewage; discharges into sewage, solid waste or water systems; violations; injunction

End of Document

N.J. Stat. § 40:14B-61

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-61. Approval of sewage disposal plants within district

No sewage disposal plant or other facilities for the collection, treatment or disposal of sewage arising within a district shall be constructed unless the municipal authority shall give its consent thereto and approve the plans and specifications therefor. No facilities for the distribution of water within a district shall be constructed unless the municipal authority shall give its consent thereto and approve the plans and specifications therefor. Each municipal authority is hereby empowered to give any such consent and approval, subject, however, to the terms and provisions of any agreement with the holders of bonds. Upon submission to the authority of a complete application for approval of such a plant or facilities, the authority shall approve or disapprove the application within 90 days of the date of its submission, but the authority may extend the time for a period not to exceed 30 days by adoption of a resolution therefor. As used in this section, “complete application” means an application form completed as specified by resolution and the rules and regulations of the authority, and the accompanying documents, plans and specifications required by resolution for approval of the plant or facilities. An application shall be certified as complete, for the purposes of the commencement of the time for action by the authority, immediately upon the meeting of the requirements specified in the resolution and the rules and regulations of the authority. Failure of a municipal authority to approve or disapprove plans and specifications submitted pursuant to this section within such time, shall constitute approval thereof and consent of the authority to construction of the plant or facilities.

History

L. 1957, c. 183, p. 675, 61, eff. Aug. 22, 1957; Amended by L. 1979, c. 418, 1, eff. Feb. 8, 1980.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-62

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-62. Investment in bonds of authority

Notwithstanding any restriction contained in any other law, the State and all public officers, municipalities, counties, political subdivisions and public bodies, and agencies thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds, and such bonds shall be authorized security for any and all public deposits.

History

L. 1957, c. 183, p. 676, 62, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-63

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-63. Tax exemptions

Every utility system and all other property of a municipal authority are hereby declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and, other than lands subject to assessment and taxation pursuant to Revised Statutes [54:4-3.3](#), shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality and such bonds, and the interest thereon and the income therefrom, and all service charges, funds, revenues and other moneys pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes and taxes on transfers by or in contemplation of death.

History

L. 1957, c. 183, p. 676, 63, eff. Aug. 22, 1957; Amended by L. 1968, c. 328, 1, eff. Nov. 8, 1968.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-64

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-64. Guarantee of vested rights of bondholders

The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds issued pursuant to a bond resolution of a municipal authority that the State will not limit or alter the rights hereby vested in the municipal authority to acquire, construct, maintain, reconstruct and operate its utility system, and to fix, establish, charge and collect its service charges and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, and will not in any way impair the rights or remedies of such holders, and will not modify in any way the exemptions from taxation provided for in this act, until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged.

History

L. 1957, c. 183, p. 676, 64, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-65

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-65. Undertakings for deposits of municipal authority

All banks, bankers, trust companies, savings banks, investment companies and other persons carrying on a banking business are hereby authorized to give to any municipal authority a good and sufficient undertaking with such sureties as shall be approved by the municipal authority to the effect that such bank or banking institution as hereinbefore described shall faithfully keep and pay over to the order of or upon the warrant of the municipal authority or its authorized agent all such funds as may be deposited with it by the municipal authority and agreed interest thereon, at such times or upon such demands as may be agreed with the municipal authority or in lieu of such sureties, deposit with the municipal authority or its authorized agent or any trustee therefor or for the holders of any bonds, as collateral, such securities as the municipal authority may approve. The deposits of the municipal authority may be evidenced by a depository collateral agreement in such form and upon such terms and conditions as may be agreed upon by the municipal authority and such bank or banking institution.

History

L. 1957, c. 183, p. 677, 65, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-66

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-66. Annual audit

Each municipal authority shall cause an annual audit of its accounts to be made, and for this purpose it shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey. The audit shall be completed and filed with the municipal authority within 4 months after the close of the fiscal year of the municipal authority and a certified duplicate copy thereof shall be filed with the Director of the Division of Local Government in the Department of the Treasury within 5 days after the original report is filed with the municipal authority.

History

L. 1957, c. 183, p. 677, 66, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-67

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-67. Filing of copy of bond resolution

Each municipal authority shall file a copy of each bond resolution adopted by it with the Director of the Division of Local Government in the Department of the Treasury, together with a summary of the dates, amounts, maturities and interest rates of all bonds issued pursuant thereto.

History

L. 1957, c. 183, p. 678, 67, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-68

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-68. Construction of act

This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and a municipal authority shall not be subject to regulation as to its service charges by any other officer, board, agency, commission or other office of the State, or constitute a municipality or agency or component of a municipality subject to, any provisions of Title 40 of the Revised Statutes and of Title 40A of the New Jersey Statutes, except P.L. 1971, c. 198, the “Local Public Contracts Law” ([C. 40A:11-1](#) et seq.); provided, however, that nothing contained in this act shall in any way affect or limit the jurisdiction, powers or rights of the State Department of Health and Senior Services, Interstate Environmental Commission, Delaware River Basin Commission, Water Policy and Supply Council of the Department of Environmental Protection, North Jersey District Water Supply Commission, Passaic Valley Sewerage Commissioners, or Passaic Valley Water Commission, or impair the obligations assumed by any municipality included in any district in any contract made prior to the creation of such district with any sewerage authority or any county sewer authority or with one or more other municipalities or with the Passaic Valley Sewerage Commissioners or with the North Jersey District Water Supply Commission.

History

L. 1957, c. 183, § 68; amended 1957, c. 233; 1975, c. 96, § 5; [2000, c. 6](#), § 16, eff. Oct. 27, 2000.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-69

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-69. Severability

If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this act in any 1 or more instances or under any 1 or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance.

History

L. 1957, c. 183, p. 678, 69, eff. Aug. 22, 1957.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-70

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-70. Repealed by L. 1977, c. 384, § 16, eff. Feb. 10, 1978

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-71

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-71. Findings, declarations relative to municipal review, approval of plans for utility improvements

The Legislature hereby finds and declares that:

- a.** It is necessary for the protection of the public health and safety that municipal authorities review and approve plans for utility improvements which developers will convey to municipal authorities or which will serve more than one user or service unit;
- b.** Changes in the operation and lending procedures of financial institutions have significantly restricted the amount of financing available for development activities prior to the initiation of construction;
- c.** It is in the public interest to improve regulatory efficiency through standardized municipal authority procedures;
- d.** The public interest is best served through the use of standardized procedures to govern the approval and installation of utility improvements which are consistent with and follow the accepted procedures established in the “Municipal Land Use Law,” P.L.1975, c.291 ([C.40:55D-1](#) et seq.).

History

L. [1999, c. 11](#), § 9, eff. Apr. 25, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-72

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-72. Definitions relative to municipal review, approval of plans for utility improvements

As used in sections 11 through 16 of [P.L.1999, c.11](#) ([C.40:14B-73](#) through C.40:14-B-78), “developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land, and who is submitting an application for the installation of utility improvements pursuant to [P.L.1999, c.11](#) ([C.40:14A-38](#) et al.). For the purposes of sections 9 through 16 of [P.L.1999, c.11](#) ([C.40:14B-71](#) through [C.40:14B-78](#)), “chief financial officer” means the authority official designated by Board of Commissioners to be responsible for the proper administration of the finances of the authority under the Local Bond Law, Local Fiscal Affairs Law, the Local Authorities Fiscal Control Law, the Local Public Contracts Law, and such other statutes, and such rules and regulations promulgated by the Director of the Division of Local Government Services, the Local Finance Board, or any other State agency as may pertain to the financial administration of the authority.

History

L. [1999, c. 11](#), § 10, eff. Apr. 25, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

[N.J. Stat. § 40:14B-73](#)

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-73. Conditions of final site plan approval

a. Before recording of final subdivision plats or as a condition of final site plan approval, the municipal authority may require and shall accept in accordance with the standards adopted pursuant to sections 11 through 16 of [P.L.1999, c.11](#) ([C.40:14B-73](#) through [C.40:14B-78](#)) for the purpose of assuring the installation and maintenance of on-tract utility improvements:

(1) The furnishing of a performance guarantee in favor of the municipal authority in an amount not to exceed 120% of the cost of installation, which cost shall be determined or approved by the municipal authority engineer according to the method of calculation set forth in section 15 of [P.L.1999, c.11](#) ([C.40:14B-77](#)), for improvements which the municipal authority may deem necessary or appropriate including sanitary sewers and related utility facilities and improvements.

The municipal authority engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, or approve an itemized cost estimate of the improvements as prepared by the developer's engineer, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(2) The furnishing of a maintenance guarantee to be posted with the municipal authority for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the municipal authority engineer according to the method of calculation set forth in section 15 of [P.L.1999, c.11](#) ([C.40:14B-77](#)).

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the municipal authority by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal authority engineer according to the method of calculation set forth in section 15 of [P.L.1999, c.11](#) ([C.40:14B-77](#)) as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipal authority for the reasonable cost of the improvements not completed or corrected and the municipal authority may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 ([C.40A:11-1](#) et seq.).

d.

§ 40:14B-73. Conditions of final site plan approval

(1) Upon substantial completion of all required utility improvements, and the connection of same to the public system, the obligor may request of the municipal authority in writing, by certified mail addressed in care of the chief administrative officer of the municipal authority, that the municipal authority prepare, in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal authority engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal authority shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the municipal authority, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal authority shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the municipal authority shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvements, in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e.

(1) The municipal authority, by resolution, shall either approve the improvements determined to be complete and satisfactory by the municipal authority, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal authority. Upon adoption of the resolution by the municipal authority, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that an amount of the performance guarantee equal to the cost of the remaining open improvements may be retained to ensure completion and acceptability of all improvements.

(2) If the municipal authority fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal authority to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the municipal authority fails to approve or reject the improvements determined by the municipal authority to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal authority's list and report, the obligor may apply to the court in a summary manner for an order

§ 40:14B-73. Conditions of final site plan approval

compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared or approved by the municipal authority engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipal authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

- f.** If any portion of the required improvements is rejected, the municipal authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
- g.** Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the municipal authority or the municipal authority engineer.
- h.** The obligor shall reimburse the municipal authority for all reasonable inspection fees paid to the municipal authority for the foregoing inspection of improvements; provided that the municipal authority may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements, which cost shall be determined pursuant to section 15 of [P.L.1999, c.11 \(40:14B-77\)](#). The developer shall deposit with the municipal authority the full amount of reasonably anticipated inspection fees unless the section of the development that is under construction is of a large size and the sewer or water utilities, or both, are going to be constructed in phases. When the developer and the municipal authority reach agreement on the phasing of utility construction, the full amount of reasonably anticipated inspection fees for those phases scheduled to start construction shall be deposited with the municipal authority. The municipal authority shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.
- i.** In the event that final approval is by stages or sections of development, the provisions of this section shall be applied by stage or section.
- j.** To the extent that any of the improvements have been dedicated to the municipal authority on the subdivision plat or site plan, the municipal authority shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of water and sewer facilities and any other improvements made thereon according to site plans and subdivision plats approved by the municipal authority, provided that such improvements have been inspected and have received final approval by the municipal authority.

History

L. [1999, c. 11](#), § 11, eff. Apr. 25, 1999.

N.J. Stat. § 40:14B-74

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-74. Payments to professionals for services rendered to municipal authority

a. The chief financial officer of a municipal authority shall make all of the payments to professionals for services rendered to the municipal authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of sections 11 through 16 of [P.L.1999, c.11](#) ([C.40:14B-73](#) through [C.40:14B-78](#)). Such fees or charges shall be based upon a schedule established by resolution. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipal authority. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The municipal authority shall not bill the applicant, or charge any escrow account or deposit authorized under subsection b. of this section, for any municipal authority clerical or administrative functions, overhead expenses, meeting room charges, or any other municipal authority costs and expenses except as provided for in this section, nor shall a municipal authority professional add any such charges to his bill. If the salary, staff support and overhead for a municipal authority professional are provided by the municipal authority, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by resolution, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals the charge shall be at the same rate as all other work of the same nature by the professional for the municipal authority when fees are not reimbursed or otherwise imposed on applicants or developers.

b. If the municipal authority requires of the developer a deposit toward anticipated municipal authority expenses for these professional services, the deposit shall be placed in an escrow account pursuant to section 1 of P.L.1985, c.316 ([C.40:14B-20.1](#)). The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. The amount of the initial deposit required shall be established by the rules and regulations of the municipal authority or by resolution of the municipal authority, or both. For review of applications for development proposing a subdivision, the amount of the deposit shall be calculated based on the number of proposed lots. For review of applications for development proposing a site plan, the amount of the deposit shall be based on the area of the site to be developed, or the square footage of buildings to be constructed, or both. Deposits for inspection fees shall be established in accordance with subsection h. of section 11 of [P.L.1999, c.11](#) ([C.40:14B-73](#)).

§ 40:14B-74. Payments to professionals for services rendered to municipal authority

c. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the services were performed, the hours spent to one-quarter hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the chief financial officer of the municipal authority on a monthly basis in accordance with schedules and procedures established by the chief financial officer of the municipal authority. If the services are provided by a municipal authority employee, the municipal authority employee shall prepare and submit to the chief financial officer of the municipal authority a statement containing the same information as required on a voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to the chief financial officer of the municipal authority simultaneously to the applicant. The chief financial officer of the municipal authority shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000. If an escrow account or deposit contains insufficient funds to enable the municipal authority to perform required application reviews or improvement inspections, the chief financial officer of the municipal authority shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the municipal authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

d. The following close-out procedure shall apply to all deposits and escrow accounts established under the provisions of sections 11 through 16 of [P.L.1999, c.11 \(C.40:14B-73 through C.40:14B-78\)](#) and shall commence after the municipal authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in section 11 of [P.L.1999, c.11 \(C.40:14B-73\)](#), in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the chief financial officer of the municipal authority, and to the relevant municipal authority professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the chief financial officer of the municipal authority within 30 days, and shall send a copy simultaneously to the applicant. The chief financial officer of the municipal authority shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with section 1 of P.L.1985, c.316 ([C.40:14B-20.1](#)), shall be refunded to the developer along with the final accounting.

e. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the municipal authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State governmental agency and not under municipal authority jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals in the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting

§ 40:14B-74. Payments to professionals for services rendered to municipal authority

improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

f. If the municipal authority retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the municipal authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipal authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

History

L. [1999, c. 11](#), § 12, eff. Apr. 25, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-75

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-75. Maintenance, performance guarantee; cash requirement

A municipal authority shall not require that a maintenance guarantee required pursuant to section 11 of [P.L.1999, c.11](#) ([C.40:14B-73](#)) be in cash or that more than 10% of a performance guarantee pursuant to that section be in cash. A developer may, however, provide at his option some or all of a maintenance guarantee in cash, or more than 10% of a performance guarantee in cash.

History

L. [1999, c. 11](#), § 13, eff. Apr. 25, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-76

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-76. Disputes by applicant of charges made by professional; appeal

a. An applicant shall notify in writing the municipal authority with copies to the chief financial officer and the professional whenever the applicant disputes the charges made by a professional for service rendered to the municipal authority in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of sections 11 through 16 of [P.L.1999, c.11](#) ([C.40:14B-73](#) through [C.40:14B-78](#)). The disputed charges shall be specifically outlined in the correspondence including the dates, time and personnel in dispute. The municipal authority, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the county construction board of appeals established under section 9 of P.L.1975, c.217 ([C.52:27D-127](#)) any charge to an escrow account or a deposit by any municipal authority professional or consultant, or the cost of the installation of improvements estimated by the municipal authority engineer pursuant to section 15 of [P.L.1999, c.11](#) ([C.40:14B-77](#)). An applicant or his authorized agent shall submit the appeal in writing to the county construction board of appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the municipal authority and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by subsection c. of section 12 of [P.L.1999, c.11](#) ([C.40:14B-74](#)), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the municipal authority statement of activity against the deposit or escrow account required by subsection c. of section 12 of [P.L.1999, c.11](#) ([C.40:14B-74](#)). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

b. The county construction board of appeals shall hear the appeal, render a decision thereon, and file its decision with a statement of the reasons therefor with the municipal authority not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove, or modify the professional charges appealed from. A copy of the decision shall be forwarded by certified or registered mail to the party making the appeal, the municipal authority, and the professional involved in the appeal. Failure by the board to hear an appeal and render and file a decision thereon within the time limits prescribed in this subsection shall be deemed a denial of the appeal for purposes of a complaint, application, or appeal to a court of competent jurisdiction.

c. The county construction board of appeals shall provide rules for its procedure in accordance with this section. The board shall have the power to administer oaths and issue subpoenas to

§ 40:14B-76. Disputes by applicant of charges made by professional; appeal

compel the attendance of witnesses and the production of relevant evidence, and the provisions of the "County and Municipal Investigations Law," P.L.1953, c.38 ([C.2A:67A-1](#) et seq.) shall apply.

d. During the pendency of any appeal, the municipal authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this section. The chief financial officer of the municipal authority may pay disputed charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the chief financial officer of the municipal authority shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipal authority, the professional or consultant shall reimburse the municipal authority in the amount of any such disallowed charge.

e. The Commissioner of Community Affairs shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 ([C.52:14B-1](#) et seq.), to effectuate the purposes of this section.

History

L. [1999, c. 11](#), § 14, eff. Apr. 25, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

End of Document

N.J. Stat. § 40:14B-77

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-77. Estimate of cost of installation of improvements

The cost of the installation of improvements for the purposes of section 11 of [P.L.1999, c.11 \(C.40:14B-73\)](#) shall be estimated by the municipal authority engineer or by the applicant's engineer based on documented construction costs for public improvements prevailing in the general area of the municipal authority. Any estimate prepared by the applicant's engineer shall be subject to approval by the sewerage authority engineer. The developer may appeal the municipal authority engineer's estimate or decision to the county construction board of appeals established under section 9 of P.L.1975, c.217 ([C.52:27D-127](#)).

History

L. [1999, c. 11](#), § 15, eff. Apr. 25, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.

N.J. Stat. § 40:14B-78

Current through New Jersey 221st Second Annual Session, L. 2025, c. 271 and J.R. 17

LexisNexis® New Jersey Annotated Statutes > Title 40. Municipalities and Counties (Subts. 1 — 13) > Subtitle 1. General Provisions (Chs. 1 — 15A) > Chapter 14B. Municipal and County Utilities Authorities Law; Water and Sewage (§§ 40:14B-1 — 40:14B-78)

§ 40:14B-78. Acceptance of performance, maintenance guarantee which is irrevocable letter of credit

The municipal authority shall, for the purposes of section 11 of [P.L.1999, c.11 \(C.40:14B-73\)](#), accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:

- a.** Constitutes an unconditional payment obligation of the issuer running solely to the municipal authority for an express initial period of time in the amount determined pursuant to section 11 of [P.L.1999, c.11 \(C.40:14B-73\)](#);
- b.** Is issued by a banking or savings institution authorized to do and doing business in this State;
- c.** Is for a period of time of at least one year; and
- d.** Permits the municipal authority to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section 30 days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

History

L. [1999, c. 11](#), § 16, eff. Apr. 25, 1999.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2026 All rights reserved.