

ACTS

OF

THE ONE HUNDRED AND FORTIETH LEGISLATURE

OF THE STATE OF NEW JERSEY

AND SEVENTY--SECOND UNDER THE
NEW CONSTITUTION



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CHAPTER 71.

An Act authorizing the appointment of district boards of water supply commissioners in the water supply districts created by an act entitled "An act to create two water supply districts in the State of New Jersey, to be known respectively as the North Jersey Water Supply District and the South Jersey Water Supply District," and defining the powers, duties, terms of office, and compensation of such commissioners; and providing for the obtaining, maintenance and operation of water supplies or new or additional water supplies by said commissioners as agents of and by contract with municipal and other corporations in their respective water districts, and further providing for the raising, collecting and expenditure of the moneys necessary therefor.

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

1. There shall be appointed in the manner hereinafter provided a water supply commission for each of the water supply districts created by an act of the Legislature entitled "An act to create two water supply districts in the State of New Jersey, to be known respectively as the North Jersey Water Supply District and the South Jersey Water Supply District."

District
water supply
commission.

The commission appointed for the North Jersey Water Supply District shall be known as the North Jersey District Water Supply Commission, and the commission appointed for the South Jersey Water Supply District shall be known as the South Jersey District Water Supply Commission. Each of said commissions shall have the powers hereinafter provided for.

North and
South Jersey
commissions.

2. Each of said commissions shall consist of four members, who shall be residents of the water supply

Membership.

- Terms. district which they represent, and not more than two of said commissioners shall be of the same political party. The terms of said commissioners first appointed under this act shall be for one, two, three and four years respectively, and thereafter the term of each commissioner shall be four years and until his successor shall be appointed, except where such commissioner may be appointed to fill a vacancy, and in that event for the unexpired term.
- Vacancies. Each of said commissioners shall receive a salary at the rate of fifteen hundred (1,500) dollars per annum from the time of appointment until the execution of a contract for a water supply with any municipality, which said salary shall be accumulative and payable upon the execution of any such contract, and thereafter each of said commissioners shall receive a salary at the rate of three thousand (3,000) dollars per annum payable monthly. Said salaries shall be charged as an expense of the development and operation of any water supply or supplies contracted for hereunder.
- Salary. 3. The body having charge of the water supply in any municipality of this State may, by resolution, determine that it is in the interests of said municipality that a district water supply commission be appointed for the water supply district wherein such municipality is located for the purpose of developing, acquiring and operating a water supply or a new or additional water supply for the use of said municipality and such other municipalities as may be authorized to join with it according to the terms of this act, and that a petition be presented to the Governor of the State of New Jersey praying for the appointment of such a commission and setting forth in general terms the location and character of the water supply desired. The Governor shall thereupon, within thirty days, appoint four residents of said water supply district as such commissioners as hereinabove provided, designating the terms of office of each of said commissioners so first appointed. Upon the expiration of the term of office of each of said commissioners, or in case of a vacancy, the Governor shall appoint a successor, who shall hold office for the term
- Municipalities may petition Governor to appoint commission.
- Appointment of commission.
- Successors and term.

of four years, or in the case of a vacancy, for the unexpired term and until his successor shall be appointed.

4. The said commission shall, as soon as may be after appointment and qualification, and annually thereafter, organize by the choice of one of its members as chairman, and may from time to time appoint and at its pleasure remove a secretary, counsel and such engineers and assistants, together with such agents, officers and servants as it may deem necessary to carry out the purposes of this act, and may determine their duties and compensation. The said commission, when duly organized, shall be deemed to be and shall become a body corporate with power to sue and be sued, and with the right to acquire, hold, use, lease and dispose of all such property as may be necessary for the uses and purposes for which the said commission was created, except to acquire or take any canal rights or property other than in this act is specifically provided for, and with all other necessary powers incident to corporate bodies.

Organization of commission.

Assistants.

Commission a body corporate.

Rights.

Said commission shall keep accurate accounts of all receipts and disbursements, and shall make an annual report thereof to each of the municipalities with which it has a contract.

Accounts and report.

5. The board having charge of the water supply of any municipality in a water supply district for which a commission has been appointed as hereinbefore provided may, by resolution, petition the said commission for a water supply or a new or additional water supply, and request that a preliminary estimate be made of the cost to such municipality of such supply, and shall agree to pay for the cost or its share of the cost of said preliminary estimate.

Petition for water and request estimates.

6. Upon the filing of such petition the said district water supply commission, after obtaining the consent of the State Water Supply Commission or its successor, to the diversion of waters for such water supply, which consent shall not be given until after hearing upon notice to the municipalities affected, by publication as required in the case of the notice hereinafter required by this section to be given of the hearing before the district water supply commission, shall fix a time and

Hearing on proposition.

place for a public hearing upon said application, and shall thereupon give notice of such hearing by publication by one insertion in at least one newspaper printed and published in each of the counties lying within said water supply district at least fifteen days prior to said hearing, at which hearing all persons and municipalities affected by the proposed plans may be heard for or against the granting of the application.

Other municipalities may join.

7. Upon said hearing any municipality appearing may signify its desire to acquire an existing water supply or to obtain a new or additional water supply, and its willingness to join with other municipalities to that end, and to bear its share of the preliminary expenses, and shall at the same time state the quantity of water which it desires.

Plans, estimates, annual cost, etc.

8. The said district water supply commission shall thereupon proceed to formulate plans for obtaining a water supply or a new or additional water supply for said municipality and any other municipalities that may desire water from such joint water supply, as provided for herein, and to estimate the cost thereof, and the annual cost of operating the same, and the probable share of said cost which each of such municipalities will be called upon to pay for its share of water supply and plant used in common with other municipalities, and the cost of any distribution system, water supply or plant acquired or constructed for its individual use, and to report the said plans to the said municipalities, together with a form of contract, providing for the raising and payment of the necessary funds to meet such cost of acquisition and operation. Such form of contract shall in substance provide that the said district water supply commission shall proceed to acquire or construct the water supply substantially as described in its said report, and that it shall operate the same when completed for account of such municipality or municipalities as may contract therefor as herein provided. Said contract shall further provide that each municipality shall take at least the quantity of water annually as specified in the contract, and shall pay to the said district water supply commission such sums of money

What contract to provide.

Quantity of water to be taken and payments.

as shall be needed by the said district water supply commission to defray the cost of the acquisition or construction and operation of such water supply, at such times as may be determined and requested by said commission, and in the manner and in the proportion as is provided in section fifteen of this act; but no municipality shall be required to pay any part of the cost of acquisition or construction or operation of any water plant, or part thereof, which is not to be used in supplying water to such municipality. Said contract shall provide that the contracting municipality will, upon the request of the said district water supply commission, exercise and put in operation all its powers of eminent domain for the condemnation of lands, rights of way, easements, water rights, and other property necessary for such water supply, either within or outside the territory of such contracting municipality.

Exercise
right of
eminent
domain.

9. After the said district water supply commission has submitted its preliminary report and form of contract to the municipalities interested, it shall notify said municipalities of a time and place for a hearing by such municipalities upon such contracts respectively. At said hearing each municipality shall, through the board or body having charge of its water supply, signify its willingness to accept the terms of said contract as presented, or present such modifications for the consideration of said district water supply commission as it may desire, or withdraw from further participation in the proposed water supply development.

Hearing on
preliminary
report.

Acceptance of
contract.

10. After said hearing, said district water supply commission shall present a final form of contract to be executed between the said commission and each of the municipalities which, at such hearing shall signify its desire to participate in such water supply. It shall be the duty of each of such municipalities, within thirty days thereafter, to signify its willingness to execute said contract by resolution of the board or body having charge of its water supply.

Execution
of contract.

If any of said municipalitties shall, within such time, fail to indicate its willingness to execute said contract, then the said commission shall submit a

Withdrawal
of municip-
alities.

form of contract modified in accordance with such circumstances to each of the remaining municipalities, and each of such municipalities shall within thirty days thereafter indicate to the said commission its willingness to sign said contract. Such process shall be continued until a form of contract has been agreed upon by the said commission and one or more municipalities.

Acquiral
of water
rights, etc.

11. When said contract or contracts are signed as herein provided, the said district water supply commission shall forthwith proceed to carry out the same. For such purpose the said commission shall have the power, and be authorized in its own corporate name, but at the expense of the contracting municipalities as herein provided, to acquire by purchase or condemnation any part or all of the water plant, water rights, easements, distribution system or other property of any existing private corporation or of any water company, including any contracts which the said corporation or water company may have with any municipal or other corporation for the supply of water, and to carry out said contracts. Said commission shall have the power to acquire lands, easements, rights of way, water rights and all other property and rights that may be needful for the construction of any reservoir or the obtaining of any water supply, or the laying of any pipes or mains, or the doing of any work, or the acquisition of any property that may be necessary for the acquisition, construction or operation of such water supply. It shall have the power to construct or cause to be constructed such reservoirs, pipe lines, mains, pumping or filtration plant, standpipes, tunnels, buildings or other structures, machinery and appliances as may be necessary for the purposes of this act, and to employ all employees and to purchase all materials that may be necessary for said purpose, and all other powers necessary or proper to provide all of the contracting municipalities in said water supply district with a sufficient water supply, including the right to contract with any municipal or other corporation or person, or other district water supply commission for the purchase, sale or exchange of any water, lands or other property,

Acquire
lands, etc.

Construct
water system.

Help and
materials.

but nothing in this act shall be construed to permit the said commission or any municipality to enter into any new contracts for the sale or delivery of water to any corporation, firm or person, for use within the limits of any other municipality without the written approval and consent of such other municipality. It shall also have the power to arrange the exchange of lands and of water rights and water in any watershed in said district between any of the municipalities of the said water supply district by contract with the municipalities interested.

Exchange of water rights.

12. The said commission shall have full power to construct water mains or pipe lines for the purposes provided for in this act along, under and over any water course, or under or over or along or across any street, turnpike, road, railroad, highway or other way, or public park or grounds, and in or upon private or public land under water, in such way and manner, however, as not unnecessarily to obstruct or impede travel or navigation, and may enter upon and dig up any street, highway or private or public land, for the purpose of constructing said work and appurtenances and for repairing and maintaining the same, and in a general way to do all other acts and things necessary, convenient and proper in connection with the acquisition, construction or operation and maintaining of the said water supply. If any highway or public or private land is dug up and disturbed pursuant to the provisions of this act, the same shall be restored to its former condition as nearly as may be. It shall have power to acquire all such property, easements and rights by private purchase or by condemnation in the manner provided by the general laws of this State relating to the condemnation of lands for public use. The district commission shall have power to alter or change the grade of any highway or public street, or relocate such highway or street where necessary for the purpose of constructing any reservoirs to be built in accordance with contracts authorized to be made by this act; and if it shall become necessary to change the location or gradi-

Right to construct pipe lines along streets, roads, etc.

Restore land dug.

Acquire property by purchase or condemnation.

Alter grades.

As to canals and railroads.

ent of any canal or railroad, or the appurtenances thereof, the corporation owning or operating such canal or railroad shall be required to relocate or change the same as far as needful and to acquire the property necessary for such change, and, if possible, to agree with said district commission upon the details of such change, the cost thereof to be paid by the said commission as a part of the expense of such reservoir construction. And if said corporation is unable to agree with the owner of any land, property or right required to be taken by it in order to make such change, then said commission is hereby authorized and shall, for the benefit of said corporation, by condemnation or otherwise, acquire the same; *provided*, such acquirement shall not impair the operation of said railroad or canal.

In case of disagreement.

Proviso.

Dealing with canal companies.

13. If the district water supply commission shall decide to construct any reservoir, which may intercept or interfere with the flow of waters that may be part of the feeder of any canal, or which may be claimed by any canal corporation, the commission is authorized to acquire from such canal corporation the necessary water rights for said reservoir by agreement with such canal corporation; and if it shall prove impossible to make such agreement, then the commission shall have the right to acquire by condemnation the necessary water flowage or other rights from such canal corporation.

Labor and materials furnished by contract.

14. Whenever any work to be performed or material to be furnished shall involve any expenditure of any sum of money exceeding the sum of two thousand dollars (\$2,000), the said district water supply commission shall designate the time when it will meet at its usual place of meeting to receive proposals in writing for doing the work and furnishing the material; and said board shall order its clerk to give notice by advertisement, inserted in at least two newspapers printed and circulating, respectively, in the county or counties in which the municipalities in said water supply project shall be situated, at least ten days before the time of such meeting, of the work to be done and

Advertisements inviting proposals.

the materials to be furnished, particular plans and specifications of which at the time of such order it shall cause to be filed in its office.

All proposals received shall be publicly opened by the said commissioners and the commissioners shall award the contract to the lowest responsible bidder. Each contractor shall be required to give bond satisfactory in amount and security to the said district water supply commission for the faithful performance of his contract.

Proposals opened.

Contractor's bond.

15. If said commission shall acquire any part or all of any distribution or water plant, the said commission shall have power to convey such distribution system or water plant or part thereof to the municipality in which the same is situated or to whose use it is devoted, at the cost thereof, as nearly as may be, and upon such equitable terms as the commission may fix.

Convey water plant in part or in whole.

16. The cost of the construction or acquisition of the said water supply shall be borne by the contracting municipalities in proportion to the amount of water contracted to be taken in the contract between each of said municipalities and the said district water supply commission. The said commission shall have the power to call upon each of the said contracting municipalities to pay on account of the said cost such sums from time to time as the commission shall estimate to be needed for that purpose, and shall request from each of said municipalities in accordance with said contract until the total cost of the acquisition and construction of said water supply has been completed, and each of said municipalities shall make such payments when so requested. Included in such cost shall be the salaries and expenses of the said water supply commission up to the time of the actual completion of the said plant and the commencement of the actual supply of water therefrom.

Proportional cost borne by contracting municipalities.

Salaries and expenses included in cost.

Thereafter the expenses of the said commission and its agents and employees shall be charged to operation, and properly proportioned as between the several water supply projects which may be operated by the commission.

Future expenses charged to operation.

Yearly estimate of operation.

After said plant is completed or acquired, the cost of operation shall be estimated yearly in advance, and apportioned among said municipalities respectively in proportion to the amounts of water contracted to be used by each, and each of said municipalities shall pay said sums to said commission in advance when requested.

Annual apportionment; basis of settlement.

The commission shall make an apportionment of the actual cost of the operation of the said plant at the end of each year among the contracting municipalities; said cost shall be apportioned upon the basis of the actual water consumed by each municipality, provided that such amount shall be in no event less than the quantity contracted for. In apportioning said cost, no municipality shall be charged with any item of interest or rental upon, or cost of operation of, any part of any water plant which is not used in supplying water to said municipality, but this provision shall not prevent any municipality from contracting to bear the proportionate cost of acquisition and operation of any water plant, which may be devoted in whole or in part to the service of one or more municipalities. Each municipality shall be charged with the amounts so apportioned, and credited with the amount previously paid on account of the estimated operating expenses for such year.

What included in cost.

Debits and credits.

Control after completion.

17. Upon the completion of such water supply plant and works and appurtenances, the said district water supply commission is authorized and directed to retain and have the sole control and charge of the said water supply plants and works and appurtenances, except such part of the same as the said commission may convey to any one of the contracting municipalities as herein provided; in trust, however, for each of the contracting municipalities, and such other municipalities as may be entitled to share in the said water supply, as provided in this act.

Municipalities may acquire water.

18. Any municipality which shall desire to take water from any water plant constructed, acquired or operated by any water supply commission under the authority conferred by the provisions of this act, shall have the

right to file a petition with the said district water supply commission, setting forth the amount of water that such applying municipality desires to take and the period at which it desires to commence such taking of water. Said district water supply commission shall thereupon fix a time and place for a hearing of the said application, and give to each municipal corporation under contract with such district water supply commission in relation to the said water supply at least thirty days' notice in writing mailed to the clerk or secretary of the board or body having charge of the water supply of such municipal corporation.

Petition.

Hearing on application.

After said hearing the said commission, if the water supply under its control is adequate for the supply of the said applying municipality, shall have power to contract with such municipality for the supply to it of water, at such price as shall impose upon such applying municipality an equitable share of the cost of constructing, acquiring and operating such supply; or such commission may allow said applying municipality to become part owner of the water supply plant controlled by the said commission, or such part thereof as is necessary for the supply of said applying municipality by means of a contract whereby such municipality shall agree to pay to said district water supply commission its proportionate share of the cost of acquisition, construction and operation of the said plant. Any money so paid to the district water supply commission by such applying municipality shall be paid over to the municipalities which have theretofore contributed to the cost of such water supply plant in proportion to the cost of such plant theretofore paid by them respectively.

Commission may contract with applicant.

Applying municipality may become part owner.

Disposition of money so received.

Wherever any district commission has been brought into being by virtue of this act, it shall be unlawful for any municipality within the water supply district represented by said commission to obtain any new or additional water supply from any watershed other than the watershed or watersheds from which said municipality obtains its existing supply, without the consent of said district water supply commission.

Consent of commission for new supply.

Power to
borrow money.

19. Each municipality that shall enter into a contract with said district water supply commission as in this act provided, shall have the power to borrow the money necessary to make the payments required by such contract, upon its bonds, or upon its notes, or other temporary obligations. Such notes or temporary obligations may be renewed from time to time until permanent bonds shall have been issued by such municipalities to take up and pay for the same, or until the money necessary to pay for the same has been raised by taxation. It shall be the duty of the board, body or authority having charge of the finances of each municipality to place in the tax levy of each year an amount necessary to pay off any notes or temporary obligations of such municipality which have been issued to raise money to pay for the cost of the operation of the water supply. Said board, body or authority having control of the finances of any such contracting municipality is hereby required to issue its bonds for the purpose of raising the money necessary to pay said notes or other temporary obligations as may have been issued to raise money to pay towards the cost of the construction or acquisition of such water supply plant, which said bonds shall be in such amounts and bear interest at such a rate, not exceeding five per centum per annum, and shall be payable at such time and place as the board having charge of the finances of such municipality shall determine by resolution. Said bonds shall be sold for not less than par.

Payment of
temporary
obligations.

Bond issue.

Rate.

Sinking fund
and interest.

Deficiency met
by taxes.

No State
indebtedness.

Each of said municipalities shall annually from the revenues received from the sale of water in such municipality set aside sufficient moneys with which to pay the interest on said bonds, and to provide a sufficient fund to retire said bonds at their maturity. If said revenues shall not be sufficient for said purposes the deficiency therein shall be raised in the annual tax levy of such municipality.

20. Nothing in this act contained shall be construed to authorize any district water supply commission to incur any indebtedness on behalf of the State of New Jersey.

21. If any provision, clause or section of this act shall be held invalid or unconstitutional, the remainder of the act shall not be affected thereby, but shall remain in full force and effect. As to validity of act.

22. All acts and parts of acts heretofore passed inconsistent with the terms and provisions of this act or granting to the State Water Supply Commission or its successors in authority the powers in this act granted to the boards of district water supply commissions, when created as herein provided, are hereby repealed; *provided*, that nothing in this repealer contained shall be held to affect the powers of any municipality, by condemnation or otherwise, for developing, acquiring, operating, enlarging or improving its existing water supply, from its present source of supply, nor the performance of any existing contract relating to its water supply. Nothing in this act shall authorize any action or agreement that shall operate to abandon or make necessary the abandonment of any canal or waterway in this State, or any part thereof, or relieve any canal company or any lessee of any canal from the obligation to maintain and operate said canal, or from any other obligation, now imposed by law. Repealer.

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Proviso.

No canal abandonment.

23. This act shall take effect immediately.

Approved March 16, 1916.

CHAPTER 72.

An Act concerning police in municipalities in this State other than the cities of the first class, regulating appointments and promotion.

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

1. In every municipality of this State other than cities of the first class in which there is or shall be a Service requisite for promotion.