

CHAPTER 279

AN ACT concerning the consolidation of fire districts, supplementing Title 40A of the New Jersey Statutes, and amending N.J.S.40A:14-90.

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

1. N.J.S.40A:14-90 is amended to read as follows:

Enlargement of fire district.

40A:14-90. Except as provided in a consolidation plan prepared in accordance with P.L.2015, c.279 (C.40A:14-90.1 et al.) the governing body of a municipality having a fire district therein, by ordinance, may enlarge such fire district by extending the boundaries thereof to include additional territory in such municipality but not included in another fire district, or to include additional territory in another municipality not included in another fire district upon adoption of a parallel ordinance.

Upon the adoption of any such ordinance and publication thereof as required by law the additional territory shall become part of said fire district.

One or more municipalities may adopt an ordinance or parallel ordinances petitioning the Local Finance Board to dissolve a fire district created by extending the boundaries of an existing fire district to include additional territory in another municipality pursuant to this section. Such applications shall be approved by the Local Finance Board pursuant to section 20 of P.L.1983, c.313 (C.40A:5A-20).

Nothing contained herein shall affect the terms or tenure of members of the board of fire commissioners or officers or personnel thereof, nor the bonds and obligations, if any, of such fire district.

C.40A:14-90.1 Consolidation of fire districts by two or more municipalities.

2. a. The governing bodies of two or more municipalities may consider consolidating fire districts operating within each municipality upon receipt of parallel resolutions adopted by the commissioners of each of the fire districts requesting the development of a consolidation plan. The governing body of each municipality shall work with the fire district commissioners to prepare and implement the consolidation plan. The plan may be prepared in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs, or his designee. The consolidation plan shall include a first-year budget for the consolidated district, a table of organization, personnel requirements for operating the consolidated district, the apportionment of existing debt between the taxpayers of the consolidating fire districts, including whether such debt should be apportioned within special taxing districts as permitted in paragraph (7) of subsection b. of section 26 of P.L.2007, c.63 (C.40A:65-26) for municipal consolidation plans, as well as any other information required by the Local Finance Board.

b. Upon completion of the consolidation plan, the governing body of each municipality shall fix a time and place for a hearing to discuss the proposed consolidation. Notice of the hearing shall be provided in accordance with the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and copies of the proposed consolidation plan shall be made available for public inspection by the municipal clerk, in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.).

c. Following the hearing, the governing body of each municipality shall vote on parallel resolutions to consolidate the fire districts pursuant to the consolidation plan.

Upon approval by the governing body of each municipality, the governing bodies shall jointly apply to the Local Finance Board for approval to consolidate the fire districts pursuant to the consolidation plan. Notice of the impending consolidation, the governing body resolutions authorizing consolidation, and a copy of the consolidation plan shall be submitted to the Local Finance Board, which shall schedule a hearing on the application within 60 days of receipt thereof. The Local Finance Board may require the production of papers, documents, witnesses, or information, and may take any other action it may deem necessary to its review of the submission. The Local Finance Board shall approve the application if it determines the consolidation is an efficient and feasible means of providing and financing the service.

Upon approval of the consolidation plan by the Local Finance Board, or upon the governing body of each municipality adopting the Local Finance Board's conditions to approving the plan, the consolidation plan shall be considered finally adopted, and the assets and debts of the fire districts to be consolidated shall be reapportioned pursuant to the consolidation plan.

The consolidation shall become operative after the next fire district election following the final adoption of the consolidation plan by at least 29 days, during which new commissioners for the consolidated district shall be elected.

d. One or more municipalities may approve a resolution or parallel resolutions petitioning the Local Finance Board to dissolve a fire district consolidated pursuant to this section. Such applications shall be approved by the Local Finance Board pursuant to section 20 of P.L.1983, c.313 (C.40A:5A-20).

C.40A:14-90.2 Consolidation of fire districts within municipality.

3. a. A municipal governing body may consider the consolidation of two or more fire districts within that municipality, upon receipt of parallel resolutions adopted by the commissioners of those fire districts consenting to the development of a consolidation plan. If the municipal governing body approves the development of a consolidation plan, it shall work with the fire district commissioners to prepare the plan. The plan may be prepared in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs, or his designee. The consolidation plan shall include a first-year budget for the consolidated district, a table of organization, personnel requirements for operating the consolidated district, the apportionment of existing debt between the taxpayers of the consolidating fire districts, including whether such debt should be apportioned within special taxing districts as permitted in paragraph (7) of subsection b. of section 26 of P.L.2007, c.63 (C.40A:65-26) for municipal consolidation plans, as well as any other information required by the Local Finance Board.

b. Upon completion of the consolidation plan, the governing body of the municipality shall fix a time and place for a hearing to discuss the proposed consolidation. Notice of the hearing shall be provided in accordance with the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and copies of the proposed consolidation plan shall be made available for public inspection by the municipal clerk, in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.).

c. Following the hearing, the governing body of the municipality shall vote on a resolution to consolidate the fire districts pursuant to the consolidation plan.

If a resolution is adopted by the municipal governing body to consolidate the fire districts, the governing body shall apply to the Local Finance Board for approval to consolidate the fire districts pursuant to the consolidation plan. Notice of the impending consolidation, the

governing body resolutions authorizing consolidation, and a copy of the proposed consolidation plan, shall be sent to the Local Finance Board, which shall schedule a hearing on the application within 60 days of receipt thereof. The Local Finance Board may require the production of papers, documents, witnesses, or information, and may take any other action it may deem necessary to its review of the submission. The Local Finance Board shall approve the application if it determines that the consolidation is an efficient and feasible means of providing and financing the service.

Upon approval of the consolidation plan by the Local Finance Board, or upon the municipal governing body adopting the Local Finance Board's conditions to approving the consolidation plan shall be considered finally adopted by the municipal governing body, and the assets and debts of the fire districts to be consolidated shall be reapportioned pursuant to the consolidation plan.

The consolidation shall become operative after the next fire district election following the final adoption of the consolidation plan by at least 29 days, during which new commissioners for the consolidated district shall be elected.

4. This act shall take effect immediately.

Approved January 19, 2016.