

MUNICIPAL AND JOINT LIBRARIES

40:54-1. Establishment; chapter applicable to libraries established under other laws

Any municipality may, in the manner hereinafter provided, establish a free public library within its corporate limits.

Every library established under this chapter, and every free public library established pursuant to any general law shall be governed by the provisions of this chapter.

40:54-2. Referendum

No such library shall be established in any municipality unless assented to by a majority of the legal voters of the municipality, at an election, general or special, at which the question of the adoption of this article shall be submitted to vote by direction of the governing body.

40:54-3. Referendum; notice

The municipal clerk shall cause public notice of such general or special election to be given by advertisement, signed by himself and set up in at least five public places in the municipality for at least ten days previous to the date of such election and published for the same period in two newspapers printed or circulating therein.

40:54-4. Ballot; form and content

The officer charged with the duty of preparing the ballots for such election shall cause the question to be submitted to be printed on the official ballots for such election in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO.

"Shall a free public library be established in

[] YES (name of municipality)

pursuant to sections 40:54-1 to 40:54-29 of

[] NO the title Municipalities and Counties of the

Revised Statutes?"

40:54-5. Election returns

The election officers of the municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of

the governing body.

40:54-6. Vote required for adoption

If a majority of the votes so counted shall be in favor of a free public library, the provisions of this article shall be deemed to have been adopted.

40:54-7. Rejection of proposition; second election

Where any municipality shall vote against the establishment of a free public library such vote shall not preclude the holding of another election, general or special, to vote for or against the adoption of the provisions of this article.

40:54-7.1 Dissolution of free public libraries.

1. a. Any free public library established by referendum pursuant to R.S.40:54-1 et seq., may be dissolved, provided the dissolution is approved by a majority of the legal voters of the municipality, at a general election at which the question of the library's dissolution shall be submitted to a vote by direction of an ordinance adopted for that purpose by the governing body. If said ordinance shall be adopted, a copy thereof shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs and with the State Librarian.

b. The municipal clerk shall cause public notice of such general election to be given by advertisement, signed by the clerk and set up in at least five public places in the municipality for at least 10 days previous to the date of such election and published for the same period in two newspapers printed or circulated therein.

c. The officer charged with the duty of preparing the ballots for such election shall cause the question to be submitted to be printed on the official ballots for such election in substantially the following form:

(1) In counties having county libraries established pursuant to R.S.40:33-4: To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word "YES," and if opposed thereto mark a cross (X) or a plus (+) in the square at the left of the word "NO."

<input type="checkbox"/> YES	"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution) and provision made for assessing, levying, and collecting the special tax assessed, levied, and collected to support the county library system entitling the residents of (name of municipality) to receive the same county library assistance services as are received by other municipalities within the county library system?"
<input type="checkbox"/> NO	

(2) In counties having county libraries established pursuant to P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et seq.), and in counties having no county libraries established pursuant to R.S.40:33-4: To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word "YES," and if opposed thereto mark a cross (X) or a plus (+) in the square at the left of the word "NO."

<input type="checkbox"/> YES	"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution)?"
<input type="checkbox"/> NO	

(3) If the question presented in paragraph (1) of this subsection regarding municipal libraries in counties having a county library established pursuant to R.S.40:33-4 is approved, the governing body of the municipality shall hold a joint meeting with the library board of trustees and county library governing body as soon as practicable for the purpose of arriving at an agreement as to the implementation of such discontinuance, the use of the library facilities thereafter, the adjustment, apportionment, accounting for, settlement, allowance and satisfaction of the rights and liabilities in or with respect to any property, obligations, or other matters or things connected with the municipal library, and such other matters and things in connection therewith as those governing bodies shall jointly determine. If the governing bodies shall be unable to agree, the matter shall be referred to the Director of the Division of Local Government Services in the Department of Community Affairs for determination.

(4) If the question presented in paragraph (2) of this subsection regarding counties having county libraries established pursuant to P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et seq.), and in counties having no county library established pursuant to R.S.40:33-4 is approved, the municipality in which the free public library is located shall assume the assets and liabilities of the free public library upon the date of dissolution; and remaining assets may be anticipated by the municipality as a miscellaneous revenue; provided, however, that the monies shall be used solely and exclusively by the municipality for the purposes of reducing the amount the municipality is required to raise by local property tax levy for municipal purposes. The Director of the Division of Local Government Services in the Department of Community Affairs shall certify that each affected municipality has complied with this section. If the director finds that monies transferred to a municipality under this section are not used by that municipality solely and exclusively to reduce the amount required to be raised by the local property tax levy, then the director shall correct the municipal budget, pursuant to N.J.S.40A:4-86, to ensure that the transferred funds are used for that purpose only.

d. The election officers of the municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of the governing body.

e. If a majority of the votes so counted shall be in favor of the dissolution of the free public library, the provisions of the question shall be deemed to have been adopted.

f. If the question presented in subsection c. of this section is approved, the municipality in which the free public library is located shall assume the assets and liabilities of the free public library upon the date of dissolution, unless other provisions have been made.

g. In accordance with R.S.19:3-6, the brief statement interpreting the public question shall be informative, fair, and balanced. The interpretive statement shall not encourage voters to approve or defeat the public question. The interpretive statement shall read as follows:

"If the voters approve this question, the free public library will be dissolved and the provisions in P.L.2013, c.56 (C.40:54-7.1) shall be followed."

h. To the extent that any provision in P.L.2013, c.56 (C.40:54-7.1) concerning the dissolution of free public libraries and supplementing chapter 54 of Title 40 of the Revised Statutes conflicts, or is inconsistent, with any other law, including, but not limited to, the initiative and referendum sections of the "Optional Municipal Charter Law," sections 17-35 through 17-47 of P.L.1950, c.210 (C.40:69A-184 through 40:69A-196), or of the "commission form of government law," R.S.40:74-5 through 40:74-19, the provisions of P.L.2013, c.56 (C.40:54-7.1) shall prevail and be controlling.

L.2013, c.56, s.1.

40:54-8 Library tax.

Within every municipality governed by this article there shall annually be raised by taxation a sum equal to one-third of a mill on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of the Division of Taxation in the Department of the Treasury in accordance with the provisions of R.S.54:4-49. The amount shall be assessed, levied and collected in the same manner and at the same time as other municipal purposes taxes are assessed, levied and collected therein and shall be paid from the disbursing officer to the treasurer of the free public library on a quarterly basis. Following enactment of P.L.2011, c.38, the director of the Division of Local Government Services in the Department of Community Affairs shall decrease the municipality's adjusted tax levy pursuant to subsection d. of section 11 of P.L.2007, c.62 (C.40A:4-45.46), so that there is no net impact on the amount of the adjusted tax levy available to the municipality for non-library purposes pursuant to section 9 of P.L.2007, c.62 (C.40A:4-45.44).

Such additional sum, as in the judgment of the municipal governing body or appropriate board of the municipality, is necessary for the proper maintenance of a free public library, may be appropriated in the municipal budget from the general purposes municipal tax levy.

amended 1944, c.49; 1985, c.82, s.2; 1985, c.541, s.1; 2011, c.38, s.1.

40:54-8.1 Limitation on increase in amount raised by taxation.

5. Any increase in the amount raised by taxation for the municipal library as required by R.S.40:54-8 shall not exceed the total amount expended by the municipality in the previous year plus 15% of the previous year's total expenditures for the maintenance of a free public library; except that the State Librarian is authorized to approve additional appropriations to any municipality that requests to appropriate an amount in excess of 15% of the previous year's total library expenditures.

L.1985,c.541,s.5; amended 2001, c.137, s.53.

40:54-9. Trustees; number, appointment and term; alternates

Immediately upon the establishment by any municipality of a free public library under this article, a board of trustees shall be formed to consist of from seven to nine members, one of whom shall be the mayor or other chief executive officer of the municipality, one of the local superintendents of schools, or in the event that there be no such official, the principal with power of supervision over the local school system, or in case such municipality shall have none of the school officials hereinbefore mentioned, then the president of the board of education, and from five to seven citizens to be appointed by the mayor or chief executive, at least four of who shall be residents of the municipality. The appointments shall be for terms of one, two, three, four and five years, respectively, as they may be selected by the mayor or other chief executive officer, and, except in cities, shall be made with the consent of the governing body. Whenever a board is expanded to include a sixth or seventh citizen, the additional members shall serve terms of five years. The mayor or other chief executive officer and the superintendent of schools or the principal, as the case may be, serving as a member of the board, may, respectively, appoint an alternate to act in his place and stead with authority to attend all meetings of the board and, in his absence, to vote on all questions before the board.

Amended by L.1952, c. 240, p. 806, s. 1, eff. July 1, 1952; L.1970, c. 143, s. 1, eff. July 17, 1970; L.1984, c. 130, s. 1, eff. Aug. 23, 1984.

40:54-10. Vacancies; how filled

Upon the expiration of the term of office of any trustee the mayor or other chief executive officer of the municipality shall appoint a citizen for a term of five years in the same manner as the original appointment was made. Vacancies occurring in the board of trustees shall be filled for the unexpired term only, in the same manner as the original appointments are made.

40:54-11. Trustees; corporate name; organization; officers; certificate; recording and filing

The board of trustees shall be a body corporate under the name of "the trustees of the free public library of (name of municipality)." It shall have corporate powers of succession, may sue and be sued, and adopt a corporate seal. It shall meet at a convenient time and place in the municipality within ten days after its appointment, and shall immediately proceed to organize by the election from its members of a president, treasurer, and secretary, who shall hold their offices for one year and until their

successors are elected.

The members shall make and execute under their hands and seals a certificate setting forth their appointment and their organization and the names of the officers elected, such certificate to be acknowledged in the same manner as is required of conveyances of real estate, and recorded in the clerk's office of the county in which the municipality is located. They shall also send a certified copy of the certificate to the office of the secretary of state, at Trenton, to be there filed of record, but shall not be required to pay any fees for such recording and filing. The certificate, or copy thereof duly certified by the secretary of state or by the county clerk, shall be evidence in all courts and places of the incorporation of the board.

40:54-12 Powers of board.

40:54-12. The board shall hold in trust and manage all property of the library. It may rent rooms, or, when proper, construct buildings for the use of the library, purchase books, pamphlets, documents, papers and other reading matter, hire librarians, and other necessary personnel, and fix their compensation, make proper rules and regulations for the government of the library, and generally do all things necessary and proper for the establishment and maintenance of the free public library in the municipality. The board may also transfer to and receive from other libraries books, magazines, prints, maps and other related library materials for the purpose of augmenting the interlibrary loan service.

Amended 1949, c.98; 2001, c.137, s.54.

40:54-12.1. Purchases not requiring advertisements for bids

The board of trustees of the free public library of any municipality or of a joint free public library may, within the limits of funds appropriated or otherwise made available to the board, purchase the following without advertising for bids therefor: (1) library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature; (2) necessary binding or rebinding of library materials; and (3) specialized library services.

L.1968, c. 227, s. 2, eff. July 31, 1968.

40:54-12.2. Free public library administrators, duties

38. The director or other chief administrative officer of a free public library in any municipality shall:

a. cause copies of the voter registration forms and instructions furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be displayed at the principal and any branch location of that library and to be made available to each person who, when appearing in person at such location, may wish, on a voluntary basis, to register to vote;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to each such principal or branch location; and

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each library which provides services under any program administered by the library which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

L.1994,c.182,s.38.

40:54-13. Trustees; treasurer; bond and duties

The treasurer of the board shall give bond in an amount to be fixed by the mayor in cities and by the governing body in municipalities other than cities, payable to the municipality by its corporate name, conditioned for the faithful performance and discharge of his duties. The board shall, by its treasurer, upon its warrant signed by its president, receive from the disbursing officer of the municipality the money raised therein for library purposes, as provided in section 40:54-8 of this title.

40:54-14. Trustees; compensation; limitation on amount of indebtedness

The trustees shall receive no compensation for their services, and shall not incur any expense or enter into any obligations to an amount in excess of the annual appropriation for library purposes and of the funds on hand.

40:54-15 Annual report, identification of excess funds to municipality, transfer procedure.

40:54-15. a. The board of trustees shall make an annual report to the chief financial officer of the municipality which shall include a statement setting forth in detail all public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. Notwithstanding the requirements of R.S.40:54-8 pertaining to the amount required to be raised and appropriated for library purposes, the annual report shall identify excess funds that the board is required to approve and transfer to the municipality as miscellaneous revenue. The excess funds transferred shall be any amount that exceeds the sum of the amount of the audited operating expenditures of the library for the most recent available year, plus an additional 20% of those operating expenditures, excluding: (1) funds restricted for capital projects and grants; and (2) any devise, bequest, or donation made to establish or maintain the free public library, to be maintained as surplus. The annual report shall also include an analysis of the state and condition of the library and shall be sent to the municipal governing body and to the State Library. The State Librarian shall prescribe by regulation the form of all such reports.

b. (1) Except as limited in paragraph (2) of this subsection, the board of trustees of a municipal free library shall adopt a resolution of its intent to transfer excess funds to the municipality, as identified in

its annual report pursuant to subsection a. of this section.

(2) The board of trustees of a municipal free library established after the effective date of P.L.2008, c.8 shall not adopt a resolution of intent pursuant to this subsection before the eighth budget year following its establishment.

c. Once the board of trustees has adopted a resolution of intent pursuant to subsection b. of this section, it shall forward the resolution to the State Librarian for approval, along with any other information required by the State Librarian and in accordance with procedures and forms promulgated by the State Librarian in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs. The State Librarian shall approve any resolution upon a determination that all of the following provisions are met:

(1) the municipal free library will still retain a sum equal to the amount of the audited operating expenditures of the library for the most recent available year plus an additional 20% of that amount, excluding: (a) funds restricted for capital projects and grants; and (b) any devise, bequest, or donation made to establish or maintain the municipal free library, to be maintained as surplus;

(2) the municipality and the municipal free library are in compliance with all conditions imposed by rule or regulation promulgated by the State Librarian for per capita library aid to public libraries according to the "state library aid law," N.J.S.18A:74-1 et seq., and pertaining to appropriations for the maintenance of a municipal free library according to R.S.40:54-8 or section 2 of P.L.1959, c.155 (C.40:54-29.4) in the case of a joint free public library;

(3) there are sufficient funds remaining in the municipal free library's operating budget for the maintenance of the library for the balance of the fiscal year in which the transfer of funds to the municipality occurs; and

(4) the library board of trustees has a written plan of at least three years that reflects that the long-term funding needs of the library will be met, and that any capital expense will contribute to the provision of efficient and effective library services, and that the written plan has been approved by the State Librarian.

d. Upon approval of its resolution of intent by the State Librarian pursuant to subsection c. of this section, the board of trustees shall cause the amount of the excess funds identified in its resolution to be transferred to the municipality.

amended 1985, c.541, s.2; 2001, c.137, s.55; 2008, c.8, s.1; 2010, c.83; 2011, c.224, s.1.

40:54-16. Appropriation for furnishing

Any municipality that shall establish a library under the provisions of this article, or that has heretofore established a free public library pursuant to law, and has purchased or shall purchase lands, and has erected or shall erect buildings thereon, or both, for the purposes of a free public library, and has made

or shall make appropriations therefor under this article, may make additional appropriation for the equipment, furnishing and decorating of the library building in manner following: The board of trustees shall certify to the board or body having charge and control of the finances of the municipality the amount necessary for the equipment, furnishing and decorating of the library building, and thereupon such board or body may by resolution, at its discretion and with the approval of the mayor or other chief executive officer of the municipality, make appropriation of such money and authorize and empower the board of trustees of the free public library to expend such sum of money. Upon the passage of such resolution the board of trustees may enter into contracts for such equipment, furnishing and decorating, and expend money therefor to the amount of the appropriation.

40:54-17. Fines expended for library purposes

The board of trustees of the free public library may use and expend for library purposes all moneys received from library fines and shall account for such receipts and expenditure in the same manner as is required as to funds appropriated to the board of trustees by the governing body of the municipality.

Amended by L.1969, c. 295, s. 1, eff. Jan. 16, 1970.

40:54-17.1. Moneys from operation of photocopy machines

The board of trustees of a free public library may use and expend for library purposes all moneys received from the operation of photocopy machines within the library and shall account for the receipts and expenditures in the same manner as is required for funds appropriated to the board of trustees by the governing body of the municipality.

L.1983, c. 70, s. 1, eff. Feb. 19, 1983.

40:54-18. Use of money paid by library to municipal treasury

The governing body of any municipality may appropriate in the annual budget for the use of the free public library of such municipality a sum equal to the amount of the money paid into the general treasury by the free public library in the preceding fiscal year. The sum so appropriated shall be available for expenditure by the board of trustees of the free public library of the municipality for library purposes, shall be in addition to sums otherwise appropriated by law for library purposes and shall be controlled by the same laws as other budget appropriations.

40:54-19 Devises and bequests to trustees.

40:54-19. The board of trustees may receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within the municipality. Any devise, bequest, or donation made pursuant to this section shall not be deemed surplus or transferred by the board of trustees, pursuant to the provisions of R.S.40:54-15, to the municipality.

amended 2011, c.224, s.2.

40:54-19.1. Loan of funds received as gift or bequest

The board of trustees of the free public library may, upon the application of the governing body of the municipality, loan, upon "tax anticipation notes" or "bond anticipation notes" of the municipality, any funds heretofore or hereafter received, either by the board of trustees of the free public library or by the governing body, as a gift or bequest for free public library purposes and being held and managed by the board of trustees, or subject to their direction pursuant to the provisions of article one of chapter fifty-four of Title 40 of the Revised Statutes, pending the use thereof for the purposes for which the gift or bequest was made.

L.1941, c. 67, p. 152, s. 1. Amended by L.1942, c. 139, p. 429, s. 1, eff. May 6, 1942.

40:54-19.2. Strict compliance with law in making loans required

In the making of any loan authorized by the provisions of section one of this act the pertinent provisions of chapters one and two of Title 40 of the Revised Statutes shall, in all respects, be strictly complied with.

L.1941, c. 67, p. 152, s. 2. Amended by L.1942, c. 139, p. 430, s. 2, eff. May 6, 1942.

40:54-19.3. Investment of funds; regulation of bonds or securities

The board of trustees of the free public library may invest its funds in any interest-bearing obligations of the United States of America, or in interest-bearing bonds of the State of New Jersey, or any county or municipality of said state, or in any other securities authorized for investments by trustees under and in accordance with the provisions of article 2 of chapter 15 of Title 3A of the New Jersey Statutes, but the authorization to invest funds in any such obligations or bonds or securities shall be by resolution adopted by a majority vote of all the members of the board of trustees at any regular or special meeting of the board.

All such obligations or bonds or securities shall be registered in the official name of the board of trustees.

As used in this section invest means the buying and selling of authorized obligations, bonds and securities.

L.1942, c. 139, p. 430, s. 3. Amended by L.1968, c. 217, s. 1, eff. July 24, 1968; L.1973, c. 344, s. 1, eff. Dec. 27, 1973.

40:54-19.4. Custody of securities; report; minutes

When any obligations or bonds purchased by the board of trustees are received by the board, the treasurer of the board shall immediately record the receiving thereof in an appropriate manner and shall, unless otherwise previously directed by the board of trustees, promptly deliver the same to the clerk of the municipality for safe-keeping. At the next regular or special meeting after the receipt of

such obligations or bonds, said treasurer shall present a written report to the board, setting forth the amounts of the obligations or bonds so received, and the dates, numbers and interest periods thereof and the date of delivery thereof to the clerk of the municipality. The secretary of the board of trustees shall record in the minutes of such regular or special meeting of the board the date of receipt of such obligations or bonds by the treasurer, the amounts, dates, numbers and interest periods thereof and the date on which they were delivered to the clerk of the municipality for safe-keeping.

L.1942, c. 139, p. 430, s. 4.

40:54-19.5. Income from investments

All interest, income or profit which may be realized by the board of trustees from the investment, pursuant to this or any other act, of any such funds shall be added to the principal of such funds and be used for the same purpose or purposes for or toward which the principal gift or bequest was made until the purpose or purposes for or toward which such gift or bequest was made shall have been accomplished.

L.1942, c. 139, p. 431, s. 5.

40:54-20. Gifts of works of art; acceptance and maintenance

Any free public library may accept gifts and bequests of paintings, statuary, ceramics and other art objects, and may care for and maintain them in accordance with the provisions of such gift or bequest.

40:54-21. Acceptance of conditional gifts generally

In any municipality in which there shall have been established a free public library pursuant to law, the governing body may, by resolution, accept gifts or bequests for the purpose of building a library building therein which may be made on condition that a sum not exceeding ten per cent of the amount of such gift or bequest be annually appropriated for the maintenance and support of such library, or which may be made on the above condition and on the further condition that the municipality to which such gift is made shall also provide a suitable site for the building. When any such conditional gift is accepted by any municipality such amount as may be required by the condition of the gift for the support and use of the library may be raised annually by taxation.

40:54-22. Custodian of gifts; expenditure

Any gift or bequest, when accepted by the governing body of the municipality, shall be received by the treasurer or other corresponding officer of the municipality and expended by and under the direction of the board of trustees of the free public library for the purposes for which the gift or bequest was made, in the same manner as other funds are expended by such board.

40:54-23. Municipalities may furnish site where buildings are offered; amount

When any person has offered or hereafter may offer to the board of trustees of the free public library of

any municipality which shall hereafter establish a library under the provisions of this article or has heretofore established a free public library pursuant to law, or has offered or hereafter may offer to the council or other governing body of any such municipality, to provide or erect a building to be used as a free public library upon condition that the municipality, or the trustees of the free public library therein, or the council or governing body thereof, provide a site for the building, the council or other governing body of the municipality, by resolution adopted by the votes of a majority of all the members thereof, may appropriate for the purpose of purchasing a suitable site upon which to erect such library building, a sum of money not exceeding three mills in all municipalities except cities, and in cities a sum not exceeding three-fourths of one mill, on every dollar of assessable property according to the last preceding levy for the purposes of annual taxation therein.

40:54-24. Purchase of site; title

At any time after the acceptance of any such last-mentioned gift the trustees of the free public library in any such municipality may purchase, at a cost not exceeding the amount appropriated therefor, a suitable site for the erection of a library building. The title of the real estate so purchased shall be taken in the name of the municipality. The use and control of the same shall be in the board of trustees of the free public library therein so long as it shall be used for free public library purposes.

40:54-25. Lands and buildings; purchase and alteration; financing; title

When, in the judgment of the board of trustees of the free public library in any municipality that shall establish a library under the provisions of this article or has heretofore established a free public library pursuant to law, it is advisable to purchase lands or erect buildings thereon, or both, or to enlarge or alter any building already erected thereon, for the purpose of a free public library, the board may certify to the board or body having charge of the finances of such municipality the amount of money, in addition to such moneys as it may have on hand applicable to such purposes, necessary for the purpose of making such purchase of land, the erection of buildings or other improvements thereof, and shall also certify therewith the total amount of moneys and funds available for the purchase of lands or erection of buildings, and an estimated account of the amount necessary for the maintenance of the library for the balance of the then current year.

Thereupon the board, or body having charge of the finances of the municipality may by resolution, at its discretion and with the approval of the mayor or other chief executive officer of the municipality, authorize and empower the board of trustees of the free public library to expend such sums of money, in addition to the moneys belonging to it and not needed for the expenses of maintenance for the remainder of the then fiscal year, as to such common council, or such other body or board, may seem proper for such purposes, not to exceed, however, the amount certified by the board of trustees of the free public library.

Upon the passage of such resolution the board of trustees of the free public library shall be empowered and authorized, with the consent of the mayor or other chief executive officer of such municipality, to purchase real estate, and to erect buildings and make improvements thereon, and to expend moneys therefor to the amount of such appropriation and surplus, but no lands shall be purchased for the

purpose of erecting thereon a free public library building except with the concurrence of such common council, or such other body or board, expressed by resolution of such common council, or such other body or board with the approval of the mayor or other chief executive officer of the municipality. Any veto exercised by the mayor or other chief executive officer may be overridden by a 2/3 majority vote of the governing body of the municipality.

The title of any real estate so purchased shall be taken in the name of the municipality. The use and control of such real estate shall be in the board of trustees of the free public library so long as it shall be used for free public library purposes.

Amended by L.1971, c. 201, s. 1, eff. June 9, 1971.

40:54-26. Bond issues

Any municipality that shall hereafter establish a library under the provisions of this article or has heretofore established a free public library pursuant to law may create and issue bonds for the acquisition of lands, the acquisition and erection and improvement of buildings and appliances for library purposes and the equipment and furnishing of library buildings. Such bonds shall be issued pursuant to the provisions of article 1 of chapter 1 of this title (s. 40:1-1 et seq.).

40:54-27. Redemption of bonds

There shall be raised and levied annually by taxation in the municipality issuing such bonds a sum sufficient to pay the interest thereon and to redeem the part or proportion thereof maturing in the fiscal year for which such taxes are levied.

40:54-28. Acquisition of lands by condemnation

When the board of trustees of the free public library in any municipality desire to acquire any lands, improved or unimproved, either in whole or in part, for the purposes of its building and library pursuant to the authority and power vested in it by section 40:54-25 of this title, and it cannot agree with the owner or owners of such lands, or with other persons interested therein, as to the amount of compensation to be paid therefor, proceedings shall be taken by said board to acquire such lands and ascertain the amount of compensation to be paid therefor, in the manner provided by the general laws for the condemnation and taking of lands for public use.

40:54-29. Transfer of books to library

Any public board in any municipality wherein there is a free public library, or any department of the government of the municipality having under its control a library or collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library established under this article for use therein. The board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library, and the board of trustees of the free public library shall hold and keep said books or library as if originally purchased by it.

40:54-29.1 and 40:54-29.2 repealed

40:54-29.3. Joint free public libraries

Any two or more municipalities may unite in the support, maintenance and control of a joint free public library for the use and benefit of the residents of such municipalities.

Every library established under this chapter shall be considered a free public library as defined under R. S. 40:54-1 et seq. and shall have the same benefits, powers, duties and responsibilities granted to free public libraries and their governing boards of trustees.

P.L. 1959, c. 155, s. 1; amended 1988,c.38,s.1.

40:54-29.4. Apportionment of appropriations

The governing bodies of such municipalities shall propose such an undertaking by a joint library agreement, which shall provide for the apportionment of annual and special appropriations therefor among such municipalities, for the initial annual appropriation for such library, for the abandonment or the continuance of such agreement in the event that it is not approved by all such municipalities as provided for in this act, and for such other matters as they shall determine. Such apportionment of appropriations may be based on the assessed valuations of the respective municipalities, their populations, or such factor or factors as the governing bodies shall agree.

Such an agreement shall provide that the combined minimum appropriation for the joint library shall annually be not less than one-third of a mill on every dollar of assessable property within the participating municipalities based upon the equalized valuation of such property within the combined municipalities as certified by the Director of the Division of Taxation in the Department of the Treasury.

P.L. 1959, c. 155, s. 2; amended 1988,c.38,s.2.

40:54-29.5 Joint library agreement, filing.

3. After the introduction of an ordinance approving such joint library agreement, which may be incorporated by reference therein, such agreement shall be and remain on file for public inspection in the municipal clerk's office from the time of introduction of such ordinance and such ordinance shall so state. A copy of such ordinance and of the joint library agreement shall be filed with the State Librarian and the Director of the Division of Local Government. Subsequent amendments and supplements to such ordinance and agreement shall be filed in like manner.

L.1959,c.155,s.3; amended 2001, c.137, s.56.

40:54-29.6. Notification of governing bodies after adoption of ordinance; submission of question to voters

After the adoption of such ordinance, each governing body shall notify each of the other governing

bodies proposing to unite in the joint library of such adoption. After the adoption of such ordinances by all such governing bodies, the question of uniting in such undertaking shall be submitted to the legal voters of each such municipality at the next general election unless said election is less than 40 days after the adoption of such ordinances, in which event it shall be submitted at the next succeeding general election.

L.1959, c. 155, p. 619, s. 4, eff. Sept. 4, 1959.

40:54-29.7. Form of ballot

Such question shall be placed upon the official ballots in each of the participating municipalities in substantially the following form:

"Shall (insert the name of one municipality) unite with (insert the name or names of the other municipality or municipalities) in the support, maintenance and control of a joint free public library pursuant to chapter (insert the chapter number of this act) of the laws of 1959?"

L.1959, c. 155, p. 620, s. 5, eff. Sept. 4, 1959.

40:54-29.8. Approval of resolution

These municipalities in which at said election the question is approved by a majority of the legal votes cast in each, both for and against such question, shall, as of January 1 next following said election, unite in the support, maintenance and control of a joint free public library in accordance with such joint library agreement.

P.L. 1959, c. 155, s. 6; amended 1988,c.38,s.3.

40:54-29.9. Amendment of joint library agreement; approval by ordinance

The joint library agreement may be amended by agreement among the parties thereto but such amendments shall not become effective until approved in each of the participating municipalities by ordinance, which ordinances may incorporate such amendments by reference.

L.1959, c. 155, p. 621, s. 7, eff. Sept. 4, 1959.

40:54-29.10. Joint library trustees

The board of trustees of such joint library shall consist of (a) the mayor or other chief executive officer of each participating municipality; (b) the superintendent of schools of the local school district of each such municipality, or, if there be no such official, one of the principals in the local school system, selected by the mayor or other chief executive officer, or, if there be neither of such officials, the president of the board of education; and (c) three citizens to be appointed by the mayor or other chief executive officer of each such municipality, at least two of whom shall be residents of the municipality. The initial appointments of such citizen members shall be for terms of three, four and five years, respectively, as they may be selected by the mayor or other chief executive officer. Thereafter, such citizen

appointments shall be for terms of five years and until their successors are appointed and qualify. The original citizen appointments in any municipality having a free public library at the time for the formation of the joint library shall be made from among the appointed citizen members of the board of trustees of such library. Vacancies occurring on the board of trustees shall be filled for the unexpired term only. The mayor or other chief executive officer and the superintendent of schools or the principal, as the case may be, serving as a member of the board, may, respectively, appoint an alternate to act in his place with authority to attend all meetings of the board and in his absence, to vote on all questions before the board.

L. 1959, c. 155, p. 621, s. 8, eff. Sept. 4, 1959. Amended by L. 1986, c. 99, s. 1, eff. Aug. 27, 1986.

40:54-29.11. Termination of boards of trustees of free public libraries of participating municipalities; assets and obligations

Upon the formation of a joint free public library, the terms of office of the members of the board of trustees of any free public library of any participating municipality shall terminate. The assets and obligations of any such board of trustees shall devolve upon such municipality unless otherwise provided in the agreement.

L.1959, c. 155, p. 621, s. 9, eff. Sept. 4, 1959.

40:54-29.12. Board of trustees as body corporate; name

The board of trustees of the joint library shall be a body corporate under the name of "The trustees of the joint free public library of (insert the names of the participating municipalities, or other appropriate designation)."

L.1959, c. 155, p. 622, s. 10, eff. Sept. 4, 1959.

40:54-29.13. Board of trustees

The board of trustees shall be vested with authority to carry out the purposes of the joint library, in the manner provided for free public libraries governed pursuant to chapter 54 of Title 40 of the Revised Statutes. The powers and duties of boards of trustees of free public libraries governed by said chapter are hereby conferred and imposed upon the board of trustees of such joint library and its trustees and officers.

P.L. 1959, c. 155, s. 11; amended 1988,c.38,s.4.

40:54-29.13a. Joint free public library administrators, duties

39. The director or other chief administrative officer of a joint free public library serving two or more municipalities shall:

a. cause copies of the voter registration forms and instructions furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be displayed at the principal and any branch location of that library

and to be made available to each person who, when appearing in person at such location, may wish, on a voluntary basis, to register to vote;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to each such principal or branch location; and

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each library which provides services under any program administered by the library which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

L.1994,c.182,s.39.

40:54-29.14. Disbursing officer

The board of trustees of the joint library shall designate the chief financial officer of 1 of the participating municipalities as the disbursing officer for such joint library.

L.1959, c. 155, p. 622, s. 12, eff. Sept. 4, 1959.

40:54-29.15. Employees

Employees of any free public library of any participating municipality at the time of the formation of the joint library shall, upon the formation thereof, become employees of the joint library without diminution in salary.

L.1959, c. 155, p. 622, s. 13, eff. Sept. 4, 1959.

40:54-29.16 Certification of sum needed for operation of joint library; apportionment.

14. The board of trustees of the joint library shall, not later than December 1 of each year, certify to the respective municipalities the sum required for the operation of the joint library for the ensuing year and the share of such sum to be borne by the taxpayers in each of the municipalities in accordance with the method of apportionment provided in the joint library agreement. If the governing body of any of the municipalities objects to the amount or apportionment so certified, it shall forthwith call a joint meeting of the governing bodies and the board of trustees for the purpose of adjusting and settling any differences. If the governing bodies of such municipalities cannot agree, the matter shall be referred to the Director of the Division of Local Government Services in the Department of Community Affairs for determination.

L.1959, c.155, s.14; amended 2011, c.38, s.2.

40:54-29.17 Raising of sum needed, quarterly payments.

15. The proportionate share of the sum so certified or agreed upon or determined in its annual budget, shall be raised by taxation, pursuant to the provisions of R.S.54:4-49, and shall be paid over to the disbursing officer of the joint library on a quarterly basis. The amount thus agreed upon shall be

assessed, levied, and collected in the same manner and at the same time as other municipal purposes taxes are assessed, levied and collected. Operations under the budget and related matters shall be subject to and in accordance with rules of the Local Finance Board in the Department of Community Affairs.

L.1959, c.155, s.15; amended 2011, c.38, s.3.

40:54-29.18. Capital improvements; certification of sums needed; apportionment of costs

If the board of trustees shall determine that it is advisable to raise money for the acquisition of lands or a building or buildings or for the improvement of lands or for erecting, enlarging, repairing, altering, furnishing, decorating or equipping a building or buildings or for other capital improvement for the purpose of a joint free public library, it shall certify to the respective municipalities the sum or sums, in addition to such moneys as it may have on hand applicable to such purposes, estimated to be necessary for such purposes, and the share of such sum or sums to be borne by each municipality in accordance with the method of apportionment provided in the joint library agreement. If the governing body of any of the municipalities objects to any of said purposes or to the amount or apportionment of said sum or sums, it shall forthwith call a joint meeting of the governing bodies and board of trustees for the purpose of adjusting or settling any differences. If the governing bodies of such municipalities cannot agree, the matter shall be referred to the Director of the Division of Local Government for determination.

L.1959, c. 155, p. 623, s. 16, eff. Sept. 4, 1959.

40:54-29.19. Appropriation for capital improvements; borrowing

Each municipality, to provide for such capital improvement, shall either:

(a) appropriate its proportionate share of the sum or sums for the purposes certified or agreed upon or determined in the same manner as other appropriations are made by it pursuant to the Local Budget Law (R.S. 40:2-1 et seq.); or

(b) by ordinance appropriate such sum or sums for such purposes, pursuant to said ordinance borrow the sum or sums so appropriated and secure the repayment of the sum or sums so borrowed by the authorization and issuance of bonds or notes of the municipality pursuant to and in the manner and within the limitations prescribed by the Local Bond Law (R.S. 40:1-1 et seq.).

L.1959, c. 155, p. 623, s. 17, eff. Sept. 4, 1959.

40:54-29.20. Consent to capital improvements; expenditures

The board of trustees shall be empowered and authorized, with the consent of the governing bodies of the municipalities, to undertake the purpose or purposes for which such appropriation for capital improvement was made and to expend moneys therefor to the amount of such appropriation, in addition to other moneys available therefor.

L.1959, c. 155, p. 624, s. 18, eff. Sept. 4, 1959.

40:54-29.21. Title to realty

The title to any real estate acquired pursuant to any such appropriation shall be taken in the names of the municipalities as tenants in common, but the use and control thereof shall be in the board of trustees so long as such real estate is used for joint free public library purposes.

L.1959, c. 155, p. 624, s. 19, eff. Sept. 4, 1959.

40:54-29.22. Discontinuance of participation in joint library; notice; joint meeting of governing bodies

If the governing body of any municipality shall determine by ordinance to propose to discontinue its participation in the support, maintenance and control of the joint free public library, it shall give notice thereof to the governing body of each of the other participating municipalities and to the board of trustees. The said governing bodies and board of trustees shall hold a joint meeting as soon as practicable for the purpose of arriving at an agreement as to the method of such discontinuance, the use of the library facilities thereafter, the adjustment, apportionment, accounting for, settlement, allowance and satisfaction of the rights and liabilities in or with respect to any property, obligations or other matters or things connected with said library, and such other matters and things in connection therewith as such governing bodies shall determine. If said governing bodies shall be unable to agree, the matter shall be referred to the Director of the Division of Local Government for determination.

L.1959, c. 155, p. 624, s. 20, eff. Sept. 4, 1959.

40:54-29.23 Discontinuance.

21. When such discontinuance has been agreed upon or determined and if the governing body of the municipality proposing such discontinuance shall determine to proceed therewith,

(a) such governing body shall introduce an ordinance authorizing and directing the submission to the legal voters the question whether said municipality shall discontinue participation in the joint library pursuant to said agreement or determination, which agreement or determination may be incorporated by reference in said ordinance provided said agreement or determination shall be and remain on file in the office of the municipal clerk for public inspection;

(b) if said ordinance shall be adopted, a copy thereof and of said agreement or determination shall be filed with the Director of the Division of Local Government and the State Librarian; and

(c) the question of such discontinuance shall be submitted to the legal voters of such municipality at the next general election to be held therein not less than 40 days after the adoption of said ordinance, and said agreement or determination shall remain on file in the office of the municipal clerk for public inspection pending such election.

L.1959,c.155,s.21; amended 2001, c.137, s.57.

40:54-29.24. Discontinuance; form of ballot

Such question shall be placed upon the official ballots for such election in substantially the following form:

"Shall (name of municipality submitting the question) discontinue joint participation with (name of the other participating municipality or municipalities) in the support, maintenance and control of a joint free public library pursuant to chapter (insert chapter number of this act) of the laws of 1959?"

L.1959, c. 155, p. 625, s. 22, eff. Sept. 4, 1959.

40:54-29.25. Discontinuance; effect of majority approval; participation in joint library by remaining municipalities

If at said election the question is approved in such municipality by a majority of the legal votes cast both for and against such question, the joint participation of said municipality in the support, maintenance and control of said joint free public library shall be discontinued in accordance with the agreement or determination. If more than 2 municipalities have united to participate in such joint free public library, the participation by the remaining municipalities shall continue, unless otherwise provided for in the discontinuance agreement or determination.

L.1959, c. 155, p. 625, s. 23, eff. Sept. 4, 1959.

40:54-29.26. Repeal

Sections 40:54-30 to 40:54-34, inclusive, of the Revised Statutes are repealed.

L.1959, c. 155, p. 626, s. 24, eff. Sept. 4, 1959.

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