

NEW JERSEY STATUTES ANNOTATED
TITLE 40. MUNICIPALITIES AND COUNTIES
CHAPTER 54. LIBRARIES AND READING ROOMS
ARTICLE 1. FREE PUBLIC LIBRARIES

N.J.S.A.

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.

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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.

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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.

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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 ... (name of municipality) pursuant to sections 40:54-1 to 40:54-29 of the title Municipalities and Counties of the Revised Statutes?"

___ YES ___ NO

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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.

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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.

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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.

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40:54-8. Tax levy; additional levy

The governing body or appropriate board of every municipality governed by this article shall annually appropriate and raise 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.

Such additional sum, as in the judgement of such body or board is necessary for the proper maintenance of a free public library, may be appropriated and raised by taxation annually.

Amended by L.1944, c. 49, p. 107, § 1; L.1985, c. 82, § 2; L.1985, c. 541.

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

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, § 5. amended by L.2001, c.137, § 53.

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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 whom 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, § 1; L.1970, c. 143, § 1; L.1984, c. 130, § 1.

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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.

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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.

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40:54-12. Powers of board

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 by L.1949, c. 98, p. 419, § 1. Amended by L.2001, c.137, § 54.

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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, § 2.

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40:54-12.2. Municipal libraries; voter registration forms and instructions to be displayed and supplied

The director or other 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, § 38.

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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.

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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.

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40:54-15. Annual report

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. 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.

Amended by L.1985, c. 541, § 2. Amended by L.2001, c.137, § 55.

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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 the 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.

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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, § 1.

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

The board of trustees of a free public library may use and expend for library purposes all moneys received from the operation of photocopier 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, § 1.

N.J.S.A.

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.

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