

ASSEMBLY, No. 2297

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblymen DeCROCE and KAVANAUGH

1 AN ACT concerning municipal licenses and amending R.S.40:52-1.

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

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6 1. R.S.40:52-1 is amended to read as follows:

7 40:52-1. The governing body may make, amend, repeal and enforce
8 ordinances to license and regulate:

9 a. All vehicles used for the transportation of passengers, baggage,
10 merchandise, and goods and chattels of every kind, and the owners and
11 drivers of all such vehicles; and the places and premises in which or at
12 which the different kinds of business or occupations mentioned herein
13 are carried on and conducted. Nothing herein contained shall be
14 construed as modifying or repealing any of the provisions of chapter
15 4 of Title 48 of the Revised Statutes (R.S.48:4-1 et seq.);

16 b. Autobuses, and the owners and drivers of all such vehicles, and
17 to fix the fees for such licenses, which may be imposed for revenue,
18 and to prohibit the operation of all such vehicles in the public streets
19 or places of such municipality, unless such ordinances are complied
20 with, whether such vehicles are operated over routes wholly or partly
21 within the territorial limits of such municipality; the powers conferred
22 by this section shall not be in substitution of but in addition to
23 whatever other right, power and authority any such municipality may
24 at any time have as to licensing, regulating, or control of the operation
25 of such autobuses, commonly called jitneys, and this section shall not
26 be construed as modifying or repealing any of the provisions of
27 chapter 4 (R.S.48:4-1 et seq.) or article 3 of chapter 16 (R.S.48:16-23
28 et seq.) of Title 48 of the Revised Statutes;

29 c. Cartmen, expressmen, baggagemen, porters, common criers,
30 hawkers, peddlers, employment agencies, pawnbrokers, junk
31 shop-keepers, junk dealers, motor vehicle junk dealers, street
32 sprinklers, bill posters, bill tackers, sweeps, scavengers, itinerant
33 vendors of merchandise, medicines and remedies; and the places and
34 premises in which or at which the different kinds of business or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 occupations mentioned herein are conducted and carried on;

2 d. Hotels, boardinghouses, lodging and rooming houses, trailer
3 camps and camp sites, motels, furnished and unfurnished rented
4 housing or living units and all other places and buildings used for
5 sleeping and lodging purposes, and the occupancy thereof, restaurants
6 and all other eating places, and the keepers thereof;

7 e. Automobile garages, dealers in second-hand motor vehicles and
8 parts thereof, bathhouses, swimming pools, and the keepers thereof;

9 f. Theatres, cinema and show houses, opera houses, concert halls,
10 dance halls, pool or billiard parlors, bowling alleys, exhibition grounds,
11 and all other places of public amusement, circuses and traveling or
12 other shows, plays, dances, exhibitions, concerts, theatrical
13 performances, and all street parades in connection therewith;

14 g. Lumber and coal yards, stores for the sale of meats, groceries
15 and provisions, dry goods and merchandise, and goods and chattels of
16 every kind, and all other kinds of business conducted in the
17 municipality other than herein mentioned, and the places and premises
18 in or at which the business is conducted and carried on; street stands
19 for the sale or distribution of newspapers, magazines, periodicals,
20 books, and goods and merchandise or other articles;

21 h. Street signs and other objects projecting beyond the building
22 line, into or over any public street or highway;

23 i. Auctioneers and their business, whether the auctioneers be real
24 estate brokers engaged in selling at auction or real estate auctioneers
25 licensed by the New Jersey Real Estate Commission; fix their fees, and
26 license and regulate public auctions; make such regulations as the
27 governing body of the municipality shall deem necessary, to protect
28 the public against fraud at public auction sales, and for the safety and
29 protection of the property of the municipality and its inhabitants,
30 including the power to require from auctioneers a bond to the
31 municipality, not exceeding the penal sum of \$5,000.00, conditioned
32 as the governing body shall require;

33 j. Sales of goods, wares and merchandise to be advertised, held out
34 or represented, or which are advertised, held out or represented, to the
35 public, by any means, directly or by implication, as forced sales at
36 reduced prices or as insurance, bankruptcy, mortgage foreclosure,
37 insolvency, removal, loss or expiration of lease or closing out sales, or
38 as assignees', receivers' or trustees' sales or as sales of goods
39 distrained or as sales of goods damaged by fire, smoke or water,
40 except any sale which is to be held under a judicial order, judgment or
41 decree or a writ issuing out of any court or to enforce any lawful lien
42 or power of sale whether by judicial process or not or by a licensed
43 auctioneer; to make such regulations governing the advertisement
44 holding out or representing to the public of such sales, and the conduct
45 thereof, as the governing body of the municipality shall deem
46 necessary to protect the public against fraud; to prohibit the

1 advertising, holding out or representing to the public of any sale as
2 being of the character above described which is not of such character
3 and to fix license fees for the conduct of such sales and to impose
4 penalties for the violation of any such ordinance;

5 k. Roving bands of nomads, commonly called gypsies; and

6 l. (Deleted by amendment, P.L.1984, c.205).

7 m. The rental of real property for commercial [or residential]
8 purposes wherein the lease is for a term less than 125 consecutive
9 days. No ordinance adopted pursuant to this subsection shall apply to
10 any lease or occupancy which results from a tenant holding over at the
11 expiration or early termination of a lease with an original term in
12 excess of 125 consecutive days, regardless of whether the holdover is
13 month-to-month or for some other term of less than 125 consecutive
14 days.

15 n. The rental of real property for a term less than 125 consecutive
16 days for residential purposes by a person having a permanent place of
17 residence elsewhere.

18 Nothing in this chapter contained shall be construed to authorize or
19 empower the governing body of any municipality to license or regulate
20 any person holding a license or certificate issued by any department,
21 board, commission, or other agency of the State; provided, however,
22 that the governing body of a municipality may make, amend, repeal
23 and enforce ordinances to license and regulate real estate auctioneers
24 or real estate brokers engaged in selling at auction and their business
25 as provided in this section despite the fact that such real estate
26 auctioneers or brokers may be licensed by the New Jersey Real Estate
27 Commission and notwithstanding the provisions of this act or any
28 other act.

29 (cf: P.L.1995, c.385, s.1)

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31 2. This act shall take effect immediately.
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34 STATEMENT

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36 This bill would limit the authority of a municipality to license the
37 rental of commercial and residential real property to leases of less than
38 125 days. Under current law, a municipality has the authority to
39 regulate all leases. This bill would effectively limit that authority to
40 seasonal leases, such as weekly rentals in shore municipalities.
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45 Limits municipal authority to regulate leases to commercial and
46 residential real property leases less than 125 days in duration.