

[First Reprint]  
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.

2

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

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SCO committee amendments adopted May 8, 1997.

1 sprinklers, bill posters, bill tackers, sweeps, scavengers, itinerant  
2 vendors of merchandise, medicines and remedies; and the places and  
3 premises in which or at which the different kinds of business or  
4 occupations mentioned herein are conducted and carried on;

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

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

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

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

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

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

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

1 holding out or representing to the public of such sales, and the conduct  
2 thereof, as the governing body of the municipality shall deem  
3 necessary to protect the public against fraud; to prohibit the  
4 advertising, holding out or representing to the public of any sale as  
5 being of the character above described which is not of such character  
6 and to fix license fees for the conduct of such sales and to impose  
7 penalties for the violation of any such ordinance;

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

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

10 m. The rental of real property for commercial [or residential]  
11 purposes wherein the lease is for a term less than <sup>1</sup>[125] 175 <sup>1</sup>  
12 consecutive days. No ordinance adopted pursuant to this subsection  
13 shall apply to any lease or occupancy which results from a tenant  
14 holding over at the expiration or early termination of a lease with an  
15 original term in excess of <sup>1</sup>[125] 175<sup>1</sup> consecutive days, regardless of  
16 whether the holdover is month-to-month or for some other term of less  
17 than <sup>1</sup>[125] 175<sup>1</sup> consecutive days.

18 n. The rental of real property for a term less than <sup>1</sup>[125] 175<sup>1</sup>  
19 consecutive days for residential purposes by a person having a  
20 permanent place of residence elsewhere.

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

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

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34 2. This act shall take effect immediately.  
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40 Limits municipal authority to regulate leases to commercial and  
residential real property leases less than 125 days in duration.