

ASSEMBLY, No. 2656

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1997

By Assemblymen MALONE and COTTRELL

1 AN ACT concerning the placement of newspaper vending machines and
2 amending R.S.40:48-1.

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

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7 1. R.S.40:48-1 is amended to read as follows:

8 40:48-1. The governing body of every municipality may make,
9 amend, repeal and enforce ordinances to:

10 Finances and property. 1. Manage, regulate and control the
11 finances and property, real and personal, of the municipality;

12 Contracts and contractor's bonds. 2. Prescribe the form and
13 manner of execution and approval of all contracts to be executed by
14 the municipality and of all bonds to be given to it;

15 Officers and employees; duties, terms and salaries. 3. Prescribe
16 and define, except as otherwise provided by law, the duties and terms
17 of office or employment, of all officers and employees; and to provide
18 for the employment and compensation of such officials and
19 employees, in addition to those provided for by statute, as may be
20 deemed necessary for the efficient conduct of the affairs of the
21 municipality;

22 Fees. 4. Fix the fees of any officer or employee of the municipality
23 for any service rendered in connection with his office or position, for
24 which no specific fee or compensation is provided. In the case of
25 salaried officers or employees, such fee shall be paid into the municipal
26 treasury;

27 Salaries instead of fees; disposition of fees. 5. Provide that any
28 officer or employee receiving compensation for his services, in whole
29 or in part by fees, whether paid by the municipality or otherwise, shall
30 be paid a salary to be fixed in the ordinance, and thereafter all fees
31 received by such officer or employee shall be paid into the municipal
32 treasury;

33 Maintain order. 6. Prevent vice, drunkenness and immorality; to
34 preserve the public peace and order; to prevent and quell riots,

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 disturbances and disorderly assemblages;
2 Punish beggars; prevention of loitering. 7. Restrain and punish
3 drunkards, vagrants, mendicants and street beggars; to prevent
4 loitering, lounging or sleeping in the streets, parks or public places;
5 Auctions and noises. 8. Regulate the ringing of bells and the
6 crying of goods and other commodities for sale at auction or
7 otherwise, and to prevent disturbing noises;
8 Swimming; bathing costume. 9. Regulate or prohibit swimming
9 or bathing in the waters of, in, or bounding the municipality, and to
10 regulate or prohibit persons from appearing upon the public streets,
11 parks and places clad in bathing costumes or robes, or costumes of a
12 similar character;
13 Prohibit annoyance of persons or animals. 10. Regulate or prohibit
14 any practice tending to frighten animals, or to annoy or injure persons
15 in the public streets;
16 Animals; pounds; establishment and regulation. 11. Establish and
17 regulate one or more pounds, and to prohibit or regulate the running
18 at large of horses, cattle, dogs, swine, goats and other animals, and to
19 authorize their impounding and sale for the penalty incurred, and the
20 costs of impounding, keeping and sale; to regulate or prohibit the
21 keeping of cattle, goats or swine in any part of the municipality; to
22 authorize the destruction of dogs running at large therein;
23 Hucksters. 12. Prescribe and regulate the place of vending or
24 exposing for sale articles of merchandise from vehicles;
25 Building regulations; wooden structures. 13. Regulate and control
26 the construction, erection, alteration and repair of buildings and
27 structures of every kind within the municipality; and to prohibit,
28 within certain limits, the construction, erection or alteration of
29 buildings or structures of wood or other combustible material;
30 Inflammable materials; inspect docks and buildings. 14. Regulate
31 the use, storage, sale and disposal of inflammable or combustible
32 materials, and to provide for the protection of life and property from
33 fire, explosions and other dangers; to provide for inspections of
34 buildings, docks, wharves, warehouses and other places, and of goods
35 and materials contained therein, to secure the proper enforcement of
36 such ordinance;
37 Dangerous structures; removal or destruction; procedure. 15.
38 Provide for the removal or destruction of any building, wall or
39 structure which is or may become dangerous to life or health, or might
40 tend to extend a conflagration; and to assess the cost thereof as a
41 municipal lien against the premises;
42 Chimneys and boilers. 16. Regulate the construction and setting
43 up of chimneys, furnaces, stoves, boilers, ovens and other contrivances
44 in which fire is used;
45 Explosives. 17. Regulate, in conformity with the statutes of this
46 State, the manufacture, storage, sale, keeping or conveying of

1 gunpowder, nitroglycerine, dynamite and other explosives;

2 Firearms and fireworks. 18. Regulate and prohibit the sale and use
3 of guns, pistols, firearms, and fireworks of all descriptions;

4 Soft coal. 19. Regulate the use of soft coal in locomotives,
5 factories, power houses and other places;

6 Theatres, schools, churches and public places. 20. Regulate the
7 use of theatres, cinema houses, public halls, schools, churches, and
8 other places where numbers of people assemble, and the exits
9 therefrom, so that escape therefrom may be easily and safely made in
10 case of fire or panic; and to regulate any machinery, scenery, lights,
11 wires and other apparatus, equipment or appliances used in all places
12 of public amusement;

13 Excavations. 21. Regulate excavations below the established grade
14 or curb line of any street, not greater than eight feet, which the owner
15 of any land may make, in the erection of any building upon his own
16 property; and to provide for the giving of notice, in writing, of such
17 intended excavation to any adjoining owner or owners, and that they
18 will be required to protect and care for their several foundation walls
19 that may be endangered by such excavation; and to provide that in
20 case of the neglect or refusal, for 10 days, of such adjoining owner or
21 owners to take proper action to secure and protect the foundations of
22 any adjacent building or other structure, that the party or parties
23 giving such notice, or their agents, contractors or employees, may
24 enter into and upon such adjoining property and do all necessary work
25 to make such foundations secure, and may recover the cost of such
26 work and labor in so protecting such adjacent property; and to make
27 such further and other provisions in relation to the proper conduct and
28 performance of said work as the governing body or board of the
29 municipality may deem necessary and proper;

30 Sample medicines. 22. Regulate and prohibit the distribution,
31 depositing or leaving on the public streets or highways, public places
32 or private property, or at any private place or places within any such
33 municipality, and medicine, medicinal preparation or preparations
34 represented to cure ailments or diseases of the body or mind, or any
35 samples thereof, or any advertisements or circulars relating thereto,
36 but no ordinance shall prohibit a delivery of any such article to any
37 person above the age of 12 years willing to receive the same;

38 Boating. 23. Regulate the use of motor and other boats upon
39 waters within or bounding the municipality;

40 Fire escapes. 24. Provide for the erection of fire escapes on
41 buildings in the municipality, and to provide rules and regulations
42 concerning the construction and maintenance of the same, and for the
43 prevention of any obstruction thereof or thereon;

44 Care of injured employees. 25. Provide for the payment of
45 compensation and for medical attendance to any officer or employee
46 of the municipality injured in the performance of his duty;

1 Bulkheads and other structures. 26. Fix and determine the lines of
2 bulkheads or other works or structures to be erected, constructed or
3 maintained by the owners of lands facing upon any navigable water in
4 front of their lands, and in front of or along any highway or public
5 lands of said municipality, and to designate the materials to be used,
6 and the type, height and dimensions thereof;

7 Lifeguard. 27. Establish, maintain, regulate and control a lifeguard
8 upon any beach within or bordering on the municipality;

9 Appropriation for life-saving apparatus. 28. Appropriate moneys
10 to safeguard people from drowning within its borders, by location of
11 apparatus or conduct of educational work in harmony with the plans
12 of the United States volunteer life-saving corps in this State;

13 Fences. 29. Regulate the size, height and dimensions of any fences
14 between the lands of adjoining owners, whether built or erected as
15 division or partition fences between such lands, and whether the same
16 exist or be erected entirely or only partly upon the lands of any such
17 adjoining owners, or along or immediately adjacent to any division or
18 partition line of such lands. To provide, in such ordinance, the manner
19 of securing, fastening or shoring such fences. In the case of fences
20 thereafter erected contrary to the provisions thereof, the governing
21 body may provide for a penalty for the violation of such ordinance,
22 and in the case of such fence or fences erected or existing at the time
23 of the passage of any such ordinance, may provide therein for the
24 removal, change or alteration thereof, so as to make such fence or
25 fences comply with the provisions of any such ordinance;

26 Advertise municipality. 30. Appropriate funds for advertising the
27 advantages of the municipality;

28 Newspaper vending machines. 31. Regulate the placement of
29 newspaper vending machines on streets located within the
30 municipality. Such regulation may include requirements that a
31 newspaper vending machine shall not impede the flow of pedestrian
32 traffic, or cause people to stand in the road in order to access the
33 vending machine; that a newspaper vending machine shall not be
34 located within 20 feet of a stop sign; and that a newspaper vending
35 machine shall not be attached by any means to a utility pole, street
36 sign, or any other official, directional, traffic control or warning sign
37 erected or maintained by any governmental agency.

38 (cf: P.L.1979, c.43, s.1)

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40 2. This act shall take effect immediately.

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42 STATEMENT

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44 This bill permits municipalities, by ordinance, to regulate the
45 placement of newspaper vending machines on streets located within
46 the municipality. The bill provides that, as part of the regulation of

1 the placement of newspaper vending machines, the municipality may
2 require that a newspaper vending machine shall not impede the flow
3 of pedestrian traffic, or cause people to stand in the road in order to
4 access the vending machine; that a newspaper vending machine shall
5 not be located within 20 feet of a stop sign; and that a newspaper
6 vending machine shall not be attached by any means to a utility pole,
7 street sign, or any other official, directional, traffic control or warning
8 sign erected or maintained by any governmental agency.

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14 Permits regulation by ordinance of location of newspaper vending
machines.