

SENATE, No. 946

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1996

By Senator SINGER

1 AN ACT concerning increases in the fees for certain licenses by
2 municipalities, supplementing chapter 52 of Title 40 of the Revised
3 Statutes and amending R.S.40:49-2.

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

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8 1. (New section) a. The governing body, by ordinance, may
9 increase the fee for a license to own or operate a vending machine as
10 defined in subsection b. of this section or to dispense goods or services
11 therefrom. In addition to the requirements set forth in the procedure
12 for the passage of ordinances in R.S.40:49-2, the governing body, at
13 least 30 days before the date on which the ordinance to increase the
14 fee for such a license will be considered for final passage, shall mail to
15 the last known address of each person currently holding a license to
16 own or operate a vending machine as defined in subsection b. of this
17 section a notice of the fee increase contained in the proposed
18 ordinance and a notice of the time and place when and where the
19 ordinance will be further considered for final passage so that all
20 persons interested will be given an opportunity to be heard concerning
21 the ordinance.

22 b. For the purposes of this section, a "vending machine" shall
23 include a coin-operated device which is used for the sale or
24 distribution of food, sundries, and other items. It shall also include
25 coin-operated amusement devices.

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27 2. R.S.40:49-2 is amended to read as follows:

28 40:49-2. Except as otherwise provided in [sections] R.S.40:49-6
29 and R.S.40:49-12 of this Title, the procedure for the passage of
30 ordinances shall be as follows:

31 a. Every ordinance after being introduced and having passed a first
32 reading, which first reading may be by title, shall be published at least
33 once in a newspaper published and circulated in the municipality, if
34 there be one, and if not, in a newspaper printed in the county and

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 circulating in the municipality, together with a notice of the
2 introduction thereof and the time and place when and where it will be
3 further considered for final passage. If there be only one such
4 publication the same shall be at least 1 week prior to the time fixed for
5 further consideration for final passage. If there be more than one
6 publication, the first shall be at least 1 week prior to the time fixed for
7 further consideration for final passage.

8 b. At the time and place so stated in such publication, or at any
9 time and place to which the meeting for the further consideration of
10 the ordinance shall from time to time be adjourned, all persons
11 interested shall be given an opportunity to be heard concerning the
12 ordinance. The opportunity to be heard shall include the right to ask
13 pertinent questions concerning the ordinance by any resident of the
14 municipality or any other person affected by the ordinance. Final
15 passage thereof shall be at least 10 days after the first reading.

16 c. Upon the opening of the hearing, the ordinance shall be given a
17 second reading, which reading may be by title, and thereafter, it may
18 be passed with or without amendments, or rejected. Prior to the said
19 second reading, a copy of the ordinance shall be posted on the bulletin
20 board or other place upon which public notices are customarily posted
21 in the principal municipal building of the municipality, and copies of
22 the ordinance shall be made available to members of the general public
23 of the municipality who shall request such copies. If any amendment
24 be adopted, substantially altering the substance of the ordinance, the
25 ordinance as so amended shall not be finally adopted until at least one
26 week thereafter, and the ordinance as amended shall be read at a
27 meeting of the governing body, which reading may be by title, and
28 shall be published, together with a notice of the introduction, and the
29 time and place when and where the amended ordinance will be further
30 considered for final passage, at least 2 days prior to the time so fixed.
31 At the time and place so fixed, or at any other meeting to which the
32 further consideration of the amended ordinance may be adjourned, the
33 governing body may proceed to pass the ordinance, as amended, or
34 again amend it in the same manner.

35 d. Upon passage, every ordinance, or the title, together with a
36 notice of the date of passage or approval, or both, shall be published
37 at least once in a newspaper circulating in the municipality, if there be
38 one, and if not, in a newspaper printed in the county and circulating in
39 the municipality. No other notice or procedure with respect to the
40 introduction or passage of any ordinance shall be required.

41 Nothing herein shall be construed to affect the provisions of
42 [sections] R.S.40:49-7 to R.S.40:49-12 or [section] R.S.40:49-27 [of
43 this Title] or section 1 of P.L. , c. (C.)(pending before the
44 Legislature as this bill).

45 (cf: P.L.1973, c.329, s.1)

1 3. This act shall take effect on the first day of the second month
2 after enactment.

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STATEMENT

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7 This bill requires the governing body of a municipality to follow
8 certain procedures when passing an ordinance increasing the licensing
9 fee to own or operate a vending machine. "Vending machine" is
10 defined in the bill as a coin-operated device used for the sale or
11 distribution of food, sundries and other items. It also includes
12 coin-operated amusement devices.

13 The bill requires that, in addition to following the procedure for the
14 passage of an ordinance set forth in R.S.40:49-2, the governing body,
15 at least 30 days before the date on which the ordinance will be
16 considered for final passage, must mail to the last known address of
17 each person currently holding a license to own or operate these types
18 of vending machines a notice of the proposed fee increase and a notice
19 of a hearing to be held on the matter so that all interested persons will
20 be given an opportunity to be heard concerning the ordinance.

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25 Requires municipalities to give written notice of increase in licensing
26 fee to certain vending machine operators.