

SENATE, No. 2121

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1997

By Senator MacINNES

1 AN ACT concerning the regulation of gypsies and amending  
2 R.S.40:52-1.

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

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

10 a. All vehicles used for the transportation of passengers, baggage,  
11 merchandise, and goods and chattels of every kind, and the owners and  
12 drivers of all such vehicles; and the places and premises in which or at  
13 which the different kinds of business or occupations mentioned herein  
14 are carried on and conducted. Nothing herein contained shall be  
15 construed as modifying or repealing any of the provisions of chapter  
16 4 of Title 48 of the Revised Statutes (R.S.48:4-1 et seq.);

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

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

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

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

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

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

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

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

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

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

6 k. ~~[Roving bands of nomads, commonly called gypsies] (Deleted~~  
7 ~~by amendment, P.L. , c. ) (now pending before the Legislature as~~  
8 ~~this bill); and~~

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

10 m. The rental of real property for commercial or residential  
11 purposes.

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

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

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25 2. This act shall take effect immediately.

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#### STATEMENT

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30 This bill is intended to remove from the statutes an offensive  
31 reference to the Roma and Sinti ethnic groups, commonly referred to  
32 as gypsies. No other ethnic group is singled-out in the statutes for  
33 special licensing treatment by a municipality and subsection k. of  
34 R.S.40:52-1 probably would be unenforceable if tested in the courts.

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39 Deletes offensive reference to ethnic group in statute.