

R.S. 40:52-1

November 7, 1969

LEGISLATIVE NOTES ON R.S. 40:52-1
(Municipalities - power to license)

Special reference to final paragraph - licensing of real estate auctioneers.

- L. 1941, Chapter 92 - A348
Introduced March 10 by Mr. Boswell.
Not amended during passage.
Statement on bill (copy of bill and statement enclosed).
- L. 1944, Chapter 245 - A225
Added section j to statute.
Introduced February 21 by Mr. Preiser.
Amended during passage.
No statement on bill.
- L. 1948, Chapter 425 - A545
Added the words "trailer camps and camp sites" to section d.
Introduced August 20 by Mr. W.H. Jones.
Not amended during passage.
No statement on bill.
- L. 1968, Chapter 296 - A327
February 8 - Introduced by Hollenbeck and 10 others.
June 10 - Passed in Assembly, amended.
June 24 - Passed in Senate.
September 9 - Approved, chapter 296.
Amended during passage; copy attached of bill and amendment.
No statement on the bill.

We could not find any reports or hearings on these laws.

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ASSEMBLY, No. 348

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1941

By Mr. BOSWELL

Referred to Committee on Judiciary

AN ACT to permit municipalities to license and regulate real estate auctioneers and real estate brokers who sell at auction, and amending section 40:52-1 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 40:52-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 40:52-1. The governing body may make, amend, repeal and enforce
4 ordinances to license and regulate:

5 a. All vehicles used for the transportation of passengers, baggage, mer-
6 chandise, and goods and chattels of every kind, and the owners and drivers
7 of all such vehicles; and the places and premises in which or at which the
8 different kinds of business or occupation mentioned herein are carried on and
9 conducted. Nothing herein contained shall be construed as modifying or re-
10 pealing any of the provisions of chapter four of the Title Public Utilities
11 (§48:4-1 et seq.);

12 b. Autobuses, and the owners and drivers of all such vehicles, and to
13 fix the fees for such licenses, which may be imposed for revenue, and to pro-
14 hibit the operation of all such vehicles in the public streets or places of such
15 municipality, unless such ordinances are complied with, whether such vehicles
16 are operated over routes wholly or partly within the territorial limits of such

17 municipality; the powers conferred by this section shall not be in substitution,
18 of but in addition to whatever other right, power and authority any such
19 municipality may at any time have as to licensing, regulating, or control of
20 the operation of such autobuses, commonly called jitneys, and this section
21 shall not be construed as modifying or repealing any of the provisions of
22 chapter four (§48:4-1 et seq.) or article three of chapter sixteen (§48:16-23
23 et seq.) of the Title Public Utilities;

24 c. Cartmen, expressmen, baggagemen, porters, common criers, hawkers,
25 peddlers, employment agencies, pawnbrokers, junk shop keepers, junk deal-
26 ers, motor vehicle junk dealers, street sprinklers, bill posters, bill tackers,
27 sweeps, scavengers, itinerant vendors of merchandise, medicines and reme-
28 dies; and the places and premises in which or at which the different kinds of
29 business or occupation mentioned herein are conducted and carried on;

30 d. Hotels, boarding houses, lodging and rooming houses, and all other
31 places and buildings used for sleeping and lodging purposes, restaurants and
32 all other eating places, and the keepers thereof;

33 e. Automobile garages, dealers in secondhand motor vehicles and parts
34 thereof, bathhouses, swimming pools, and the keepers thereof;

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

40 g. Lumber and coal yards, stores for the sale of meats, groceries and
41 provisions, dry goods and merchandise, and goods and chattels of every kind,
42 and all other kinds of business conducted in the municipality other than
43 herein mentioned, and the places and premises in or at which the business
44 is conducted and carried on; street stands for the sale or distribution of news-
45 papers, magazines, periodicals, books, and goods and merchandise or other
46 articles;

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

49 i. Auctioneers and their business, whether the auctioneers be real es-
50 tate brokers engaged in selling at auction or real estate auctioneers licensed
51 by the New Jersey Real Estate Commission; fix their fees, and license and
52 regulate public auctions; make such regulations, as the governing body of
53 the municipality shall deem necessary, to protect the public against fraud at
54 public auction sales, and for the safety and protection of the property of the
55 municipality and its inhabitants, including the power to require from auc-
56 tioneers a bond to the municipality, not exceeding the penal sum of five
57 thousand dollars, conditioned as the governing body shall require;

58 j. Roving bands of nomads, commonly called gypsies; and,

59 k. The opening and closing of barber shops on Sunday and legal holi-
60 days, and the hours of opening and closing on week days, and to impose a
61 penalty for the violation of any such ordinance, not exceeding a fine of twen-
62 ty-five dollars (\$25.00), or imprisonment in the municipal lockup, or in the
63 county jail, not exceeding ten days.

64 Nothing in this chapter contained shall be construed to authorize or em-
65 power the governing body of any municipality to license or regulate any per-
66 son holding a license or certificate issued by any department, board, commis-
67 sion, or other agency of the State; provided, however, that the governing
68 body of a municipality may make, amend, repeal and enforce ordinances to
69 license and regulate real estate auctioneers or real estate brokers engaged
70 in selling at auction and their business as provided in this section despite
71 the fact that such real estate auctioneers or brokers may be licensed by the
72 New Jersey Real Estate Commission and notwithstanding the provisions of
73 this act or any other act.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to clarify the law relating to auctioneers and to definitely empower municipalities with the right to pass ordinances regulating auction sales of real estate and licensing auctioneers and real estate brokers engaged in selling real estate at auction.

Chapter 425

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 545

STATE OF NEW JERSEY

INTRODUCED AUGUST 20, 1948

By Mr. W. H. JONES

Referred to Committee on Municipalities

AN Act concerning municipalities, and amending section 40:52-1 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. Section 40:52-1 of the Revised Statutes is amended to read as follows:

2 40:52-1. The governing body may make, amend, repeal and enforce
3 ordinances to license and regulate:

4 a. All vehicles used for the transportation of passengers, baggage, mer-
5 chandise, and goods and chattels of every kind, and the owners and drivers
6 of all such vehicles; and the places and premises in which or at which the
7 different kinds of business or occupation mentioned herein are carried on
8 and conducted. Nothing herein contained shall be construed as modifying or
9 repealing any of the provisions of chapter four of the Title Public Utilities
10 (§ 48:4-1 et seq.);

11 b. Autobuses, and the owners and drivers of all such vehicles, and to fix
12 the fees for such licenses, which may be imposed for revenue, and to pro-
13 hibit the operation of all such vehicles in the public streets or places of such
14 municipality, unless such ordinances are complied with, whether such vehicles
15 are operated over routes wholly or partly within the territorial limits of such
16 municipality; the powers conferred by this section shall not be in substitution
17 of but in addition to whatever other right, power and authority any such

18 municipality may at any time have as to licensing, regulating, or control of
19 the operation of such autobusses, commonly called jitneys, and this section
20 shall not be construed as modifying or repealing any of the provisions of
21 chapter four (§ 48:4-1 et seq.) or article three of chapter sixteen (§ 48:16-23
22 et seq.) of the Title Public Utilities;

23 c. Cartmen, expressmen, baggagemen, porters, common criers, hawkers,
24 peddlers, employment agencies, pawnbrokers, junk shop keepers, junk deal-
25 ers, motor vehicle junk dealers, street sprinklers, bill posters, bill tackers,
26 sweeps, scavengers, itinerant vendors of merchandise, medicines and reme-
27 dies; and the places and premises in which or at which the different kinds
28 of business or occupation mentioned herein are conducted and carried on;

29 d. Hotels, boarding houses, lodging and rooming houses, trailer camps
30 and camp sites, and all other places and buildings used for sleeping and
31 lodging purposes, restaurants and all other eating places, and the keepers
32 thereof;

33 e. Automobile garages, dealers in secondhand motor vehicles and parts
34 thereof, bathhouses, swimming pools, and the keepers thereof;

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

40 g. Lumber and coal yards, stores for the sale of meats, groceries and
41 provisions, dry goods and merchandise, and goods and chattels of every kind,
42 and all other kinds of business conducted in the municipality other than
43 herein mentioned, and the places and premises in or at which the business
44 is conducted and carried on; street stands for the sale or distribution of
45 newspapers, magazines, periodicals, books, and goods and merchandise or
46 other articles;

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

49 i. Auctioneers and their business, whether the auctioneers be real estate
50 brokers engaged in selling at auction or real estate auctioneers licensed by
51 the New Jersey Real Estate Commission; fix their fees, and license and
52 regulate public auctions; make such regulations as the governing body of the
53 municipality shall deem necessary, to protect the public against fraud at
54 public auction sales, and for the safety and protection of the property of the
55 municipality and its inhabitants, including the power to require from
56 auctioneers a bond to the municipality, not exceeding the penal sum of five
57 thousand dollars (\$5,000.00), conditioned as the governing body shall require;

58 j. Sales of goods, wares and merchandise to be advertised, held out or
59 represented, or which are advertised, held out or represented, to the public,
60 by any means, directly or by implication, as forced sales at reduced prices or
61 as insurance, bankruptcy, mortgage foreclosure, insolvency, removal, loss or
62 expiration of lease or closing out sales, or as assignees', receivers' or trus-
63 tees' sales or as sales of goods distrained or as sales of goods damaged by
64 fire, smoke or water, except any sale which is to be held under a judicial
65 order, judgment or decree or a writ issuing out of any court or to enforce
66 any lawful lien or power of sale whether by judicial process or not or by a
67 licensed auctioneer; to make such regulations governing the advertisement,
68 holding out or representing to the public of such sales, and the conduct
69 thereof, as the governing body of the municipality shall deem necessary to
70 protect the public against fraud; to prohibit the advertising, holding out or
71 representing to the public of any sale as being of the character above de-
72 scribed which is not of such character and to fix license fees for the conduct
73 of such sales and to impose penalties for the violation of any such ordinance.

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

75 l. The opening and closing of barber shops on Sunday and legal
76 holidays, and the hours of opening and closing on week days, and to impose
77 a penalty for the violation of any such ordinance, not exceeding a fine of
78 twenty-five dollars (\$25.00), or imprisonment in the municipal lockup, or in
79 the county jail, not exceeding ten days.

80 Nothing in this chapter contained shall be construed to authorize or
81 empower the governing body of any municipality to license or regulate any
82 person holding a license or certificate issued by any department, board,
83 commission, or other agency of the State; *provided, however*, that the govern-
84 ing body of a municipality may make, amend, repeal and enforce ordinances
85 to license and regulate real estate auctioneers or real estate brokers engaged
86 in selling at auction and their business as provided in this section despite the
87 fact that such real estate auctioneers or brokers may be licensed by the New
88 Jersey Real Estate Commission and notwithstanding the provisions of this
89 act or any other act.

1 2. This act shall take effect immediately.

ASSEMBLY, No. 545

STATE OF NEW JERSEY

INTRODUCED AUGUST 20, 1948

By Mr. W. H. JONES

Referred to Committee on Municipalities

AN ACT concerning municipalities, and amending section 40:52-1 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 40:52-1 of the Revised Statutes is amended to read as follows:

2 40:52-1. The governing body may make, amend, repeal and enforce
3 ordinances to license and regulate:

4 a. All vehicles used for the transportation of passengers, baggage, mer-
5 chandise, and goods and chattels of every kind, and the owners and drivers
6 of all such vehicles; and the places and premises in which or at which the
7 different kinds of business or occupation mentioned herein are carried on
8 and conducted. Nothing herein contained shall be construed as modifying or
9 repealing any of the provisions of chapter four of the Title Public Utilities
10 (§ 48:4-1 et seq.);

11 b. Autobusses, and the owner and drivers of all such vehicles, and to fix
12 the fees for such licenses, which may be imposed for revenue, and to pro-
13 hibit the operation of all such vehicles in the public streets or places of such
14 municipality, unless such ordinances are complied with, whether such vehicles
15 are operated over routes wholly or partly within the territorial limits of such
16 municipality; the powers conferred by this section shall not be in substitution
17 of but in addition to whatever other right, power and authority any such

18 municipality may at any time have as to licensing, regulating, or control of
 19 the operation of such autobusses, commonly called jitneys, and this section
 20 shall not be construed as modifying or repealing any of the provisions of
 21 chapter four (§ 48:4-1 et seq.) or article three of chapter sixteen (§ 48:16-23
 22 et seq.) of the Title Public Utilities;

23 c. Cartmen, expressmen, baggagemen, porters, common criers, hawkers,
 24 peddlers, employment agencies, pawnbrokers, junk shop keepers, junk deal-
 25 ers, motor vehicle junk dealers, street sprinklers, bill posters, bill tackers,
 26 sweeps, scavengers, itinerant vendors of merchandise, medicines and reme-
 27 dies; and the places and premises in which or at which the different kinds
 28 of business or occupation mentioned herein are conducted and carried on;

29 d. Hotels, boarding houses, lodging and rooming houses, trailer camps
 30 and camp sites, and all other places and buildings used for sleeping and
 31 lodging purposes, restaurants and all other eating places, and the keepers
 32 thereof;

33 e. Automobile garages, dealers in secondhand motor vehicles and parts
 34 thereof, bathhouses, swimming pools, and the keepers thereof;

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

40 g. Lumber and coal yards, stores for the sale of meats, groceries and
 41 provisions, dry goods and merchandise, and goods and chattels of every kind,
 42 and all other kinds of business conducted in the municipality other than
 43 herein mentioned, and the places and premises in or at which the business
 44 is conducted and carried on; street stands for the sale or distribution of
 45 newspapers, magazines, periodicals, books, and goods and merchandise or
 46 other articles;

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

49 i. Auctioneers and their business, whether the auctioneers be real estate
50 brokers engaged in selling at auction or real estate auctioneers licensed by
51 the New Jersey Real Estate Commission; fix their fees, and license and
52 regulate public auctions; make such regulations as the governing body of the
53 municipality shall deem necessary, to protect the public against fraud at
54 public auction sales, and for the safety and protection of the property of the
55 municipality and its inhabitants, including the power to require from
56 auctioneers a bond to the municipality, not exceeding the penal sum of five
57 thousand dollars (\$5,000.00), conditioned as the governing body shall require;

58 j. Sales of goods, wares and merchandise to be advertised, held out or
59 represented, or which are advertised, held out or represented, to the public,
60 by any means, directly or by implication, as forced sales at reduced prices or
61 as insurance, bankruptcy, mortgage foreclosure, insolvency, removal, loss or
62 expiration of lease or closing out sales, or as assignees', receivers' or trus-
63 tees' sales or as sales of goods distrained or as sales of goods damaged by
64 fire, smoke or water, except any sale which is to be held under a judicial
65 order, judgment or decree or a writ issuing out of any court or to enforce
66 any lawful lien or power of sale whether by judicial process or not or by a
67 licensed auctioneer; to make such regulations governing the advertisement,
68 holding out or representing to the public of such sales, and the conduct
69 thereof, as the governing body of the municipality shall deem necessary to
70 protect the public against fraud; to prohibit the advertising, holding out or
71 representing to the public of any sale as being of the character above de-
72 scribed which is not of such character and to fix license fees for the conduct
73 of such sales and to impose penalties for the violation of any such ordinance.

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

75 l. The opening and closing of barber shops on Sunday and legal
76 holidays, and the hours of opening and closing on week days, and to impose
77 a penalty for the violation of any such ordinance, not exceeding a fine of
78 twenty-five dollars (\$25.00), or imprisonment in the municipal lockup, or in
79 the county jail, not exceeding ten days.

80 Nothing in this chapter contained shall be construed to authorize or
81 empower the governing body of any municipality to license or regulate any
82 person holding a license or certificate issued by any department, board,
83 commission, or other agency of the State; *provided, however*, that the govern-
84 ing body of a municipality may make, amend, repeal and enforce ordinance
85 to license and regulate real estate auctioneers or real estate brokers engaged
86 in selling at auction and their business as provided in this section despite the
87 fact that such real estate auctioneers or brokers may be licensed by the New
88 Jersey Real Estate Commission and notwithstanding the provisions of this
89 act or any other act.

1 2. This act shall take effect immediately.

CHAPTER 296 LAWS OF N. J. 1968

APPROVED 9/9/68

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 327

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1968

By Assemblymen HOLLENBECK, RUSSO, VOLK, COSTA,
RANDALL, FERRARA, CRANE, DE KORTE, VANDER
PLAAT and MORAITES

Referred to Committee on County and Municipal Government

AN Act concerning municipalities and amending section 40:52-1
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 40:52-1 of the Revised Statutes is amended to read as
2 follows:

3 40:52-1. The governing body may make, amend, repeal and en-
4 force ordinances to license and regulate:

5 a. All vehicles used for the transportation of passengers, bag-
6 gage, merchandise, and goods and chattels of every kind, and the
7 owners and drivers of all such vehicles; and the places and premises
8 in which or at which the different kinds of business or occupation
9 mentioned herein are carried on and conducted. Nothing herein
10 contained shall be construed as modifying or repealing any of the
11 provisions of chapter 4 of the Title Public Utilities (§ 48:4-1 et
12 seq.);

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

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

25 or article 3 of chapter 16 (§ 48:16-23 et seq.) of the Title Public
26 Utilities;

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

34 d. Hotels, boarding houses, lodging and rooming houses, trailer
35 camps and camp sites, *motels, furnished and unfurnished rented*
36 *housing or living units* and all other places and buildings used for
37 sleeping and lodging purposes, and the ***[rental]*** ***occupancy***
38 *thereof*, restaurants and all other eating places, and the keepers
38A thereof;

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

42 f. Theatres, cinema and show houses, opera houses, concert halls,
43 dance halls, pool or billiard parlors, bowling alleys, exhibition
44 grounds, and all other places of public amusement, circuses and
45 traveling or other shows, plays, dances, exhibitions, concerts, the-
46 atrical performances, and all street parades in connection there-
47 with;

48 g. Lumber and coal yards, stores for the sale of meats, groceries
49 and provisions, dry goods and merchandise, and goods and chattels
50 of every kind, and all other kinds of business conducted in the
51 municipality other than herein mentioned, and the places and prem-
52 ises in or at which the business is conducted and carried on; street
53 stands for the sale or distribution of newspapers, magazines, peri-
54 odicals, books, and goods and merchandise or other articles;

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

57 i. Auctioneers and their business, whether the auctioneers be
58 real estate brokers engaged in selling at auction or real estate auc-
59 tioneers licensed by the New Jersey Real Estate Commission; fix
60 their fees, and license and regulate public auctions; make such
61 regulations as the governing body of the municipality shall deem
62 necessary, to protect the public against fraud at public auction
63 sales, and for the safety and protection of the property of the
64 municipality and its inhabitants, including the power to require
65 from auctioneers a bond to the municipality, not exceeding the penal
66 sum of \$5,000.00, conditioned as the governing body shall require;

67 j. Sales of goods, wares and merchandise to be advertised, held
68 out or represented, or which are advertised, held out or represented,
69 to the public, by any means, directly or by implication, as forced
70 sales at reduced prices or as insurance, bankruptcy, mortgage fore-
71 closure, insolvency, removal, loss or expiration of lease or closing
72 out sales, or as assignees', receivers' or trustees' sales or as sales
73 of goods distrained or as sales of goods damaged by fire, smoke
74 or water, except any sale which is to be held under a judicial order,
75 judgment or decree or a writ issuing out of any court or to enforce
76 any lawful lien or power of sale whether by judicial process or not
77 or by a licensed auctioneer; to make such regulations governing
78 the advertisement, holding out or representing to the public of such
79 sales, and the conduct thereof, as the governing body of the munici-
80 pality shall deem necessary to protect the public against fraud;
81 to prohibit the advertising, holding out or representing to the pub-
82 lic of any sale as being of the character above described which is
83 not of such character and to fix license fees for the conduct of such
84 sales and to impose penalties for the violation of any such ordi-
85 nance.

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

87 l. The opening and closing of barber shops on Sunday and legal
88 holidays, and the hours of opening and closing on week days, and
89 to impose a penalty for the violation of any such ordinance, not
90 exceeding a fine of \$25.00, or imprisonment in the municipal lockup,
91 or in the county jail, not exceeding 10 days.

92 Nothing in this chapter contained shall be construed to authorize
93 or empower the governing body of any municipality to license or
94 regulate any person holding a license or certificate issued by any
95 department, board, commission, or other agency of the State; pro-
96 vided, however, that the governing body of a municipality may
97 make, amend, repeal and enforce ordinances to license and regulate
98 real estate auctioneers or real estate brokers engaged in selling at
99 auction and their business as provided in this section despite the
100 fact that such real estate auctioneers or brokers may be licensed
101 by the New Jersey Real Estate Commission and notwithstanding
102 the provisions of this act or any other act.

1 2. This act shall take effect immediately.

ASSEMBLY, No. 327

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1968

By Assemblymen HOLLENBECK, RUSSO, VOLK, COSTA,
RANDALL, FERRARA, CRANE, DeKORTE, VANDER
PLAAT and MORAITES

Referred to Committee on County and Municipal Government

AN ACT concerning municipalities and amending section 40:52-1
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 40:52-1 of the Revised Statutes is amended to read as
2 follows:

3 40:52-1. The governing body may make, amend, repeal and en-
4 force ordinances to license and regulate:

5 a. All vehicles used for the transportation of passengers, bag-
6 gage, merchandise, and goods and chattels of every kind, and the
7 owners and drivers of all such vehicles; and the places and premises
8 in which or at which the different kinds of business or occupation
9 mentioned herein are carried on and conducted. Nothing herein
10 contained shall be construed as modifying or repealing any of the
11 provisions of chapter 4 of the Title Public Utilities (§ 48:4-1 et
12 seq.);

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

25 or article 3 of chapter 16 (§ 48:16–23 et seq.) of the Title Public
26 Utilities;

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

34 d. Hotels, boarding houses, lodging and rooming houses, trailer
35 camps and camp sites, *motels, furnished and unfurnished rented*
36 *housing or living units* and all other places and buildings used for
37 sleeping and lodging purposes, *and the rental thereof*, restaurants
38 and all other eating places, and the keepers thereof;

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

42 f. Theatres, cinema and show houses, opera houses, concert halls,
43 dance halls, pool or billiard parlors, bowling alleys, exhibition
44 grounds, and all other places of public amusement, circuses and
45 traveling or other shows, plays, dances, exhibitions, concerts, the-
46 atrical performances, and all street parades in connection there-
47 with;

48 g. Lumber and coal yards, stores for the sale of meats, groceries
49 and provisions, dry goods and merchandise, and goods and chattels
50 of every kind, and all other kinds of business conducted in the
51 municipality other than herein mentioned, and the places and prem-
52 ises in or at which the business is conducted and carried on; street
53 stands for the sale or distribution of newspapers, magazines, peri-
54 odicals, books, and goods and merchandise or other articles;

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

57 i. Auctioneers and their business, whether the auctioneers be
58 real estate brokers engaged in selling at auction or real estate auc-
59 tioneers licensed by the New Jersey Real Estate Commission; fix
60 their fees, and license and regulate public auctions; make such
61 regulations as the governing body of the municipality shall deem
62 necessary, to protect the public against fraud at public auction
63 sales, and for the safety and protection of the property of the
64 municipality and its inhabitants, including the power to require
65 from auctioneers a bond to the municipality, not exceeding the penal
66 sum of \$5,000.00, conditioned as the governing body shall require;

67 j. Sales of goods, wares and merchandise to be advertised, held
 68 out or represented, or which are advertised, held out or represented,
 69 to the public, by any means, directly or by implication, as forced
 70 sales at reduced prices or as insurance, bankruptcy, mortgage fore-
 71 closure, insolvency, removal, loss or expiration of lease or closing
 72 out sales, or as assignees', receivers' or trustees' sales or as sales
 73 of goods distrained or as sales of goods damaged by fire, smoke
 74 or water, except any sale which is to be held under a judicial order,
 75 judgment or decree or a writ issuing out of any court or to enforce
 76 any lawful lien or power of sale whether by judicial process or not
 77 or by a licensed auctioneer; to make such regulations governing
 78 the advertisement, holding out or representing to the public of such
 79 sales, and the conduct thereof, as the governing body of the munici-
 80 pality shall deem necessary to protect the public against fraud;
 81 to prohibit the advertising, holding out or representing to the pub-
 82 lic of any sale as being of the character above described which is
 83 not of such character and to fix license fees for the conduct of such
 84 sales and to impose penalties for the violation of any such ordi-
 85 nance.

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

87 l. The opening and closing of barber shops on Sunday and legal
 88 holidays, and the hours of opening and closing on week days, and
 89 to impose a penalty for the violation of any such ordinance, not
 90 exceeding a fine of \$25.00, or imprisonment in the municipal lockup,
 91 or in the county jail, not exceeding 10 days.

92 Nothing in this chapter contained shall be construed to authorize
 93 or empower the governing body of any municipality to license or
 94 regulate any person holding a license or certificate issued by any
 95 department, board, commission, or other agency of the State; pro-
 96 vided, however, that the governing body of a municipality may
 97 make, amend, repeal and enforce ordinances to license and regulate
 98 real estate auctioneers or real estate brokers engaged in selling at
 99 auction and their business as provided in this section despite the
 100 fact that such real estate auctioneers or brokers may be licensed
 101 by the New Jersey Real Estate Commission and notwithstanding
 102 the provisions of this act or any other act.

1 2. This act shall take effect immediately.

ASSEMBLY AMENDMENT TO
ASSEMBLY, No. 327

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STATE OF NEW JERSEY
—•—

ADOPTED MAY 6, 1968

Amend page 2, section 1, line 37, delete the word “rental”, and insert in lieu thereof “occupancy”.