

40:52-1

LEGISLATIVE HISTORY CHECKLIST
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(Municipal licenses & leases)

NJSA: 40:52-1

LAWS OF: 1997 **CHAPTER:** 317

BILL NO: A2297

SPONSOR(S): DeCroce

DATE INTRODUCED: September 16, 1996

COMMITTEE: **ASSEMBLY:** Local Gvernment
SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscript numbers.

DATE OF PASSAGE: **ASSEMBLY:** February 27, 1997
SENATE: June 19, 1997

DATE OF APPROVAL: January 8, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 317, *approved January 8, 1998*
Assembly, No. 2297 (*First Reprint*)

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:

5

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:

¹ 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 ¹[125] 175 ¹
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 ¹[125] 175¹ consecutive days, regardless of
16 whether the holdover is month-to-month or for some other term of less
17 than ¹[125] 175¹ consecutive days.

18 n. The rental of real property for a term less than ¹[125] 175¹
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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39 Limits municipal authority to regulate leases to commercial and
40 residential real property leases less than 125 days in duration.

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

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11 expiration or early termination of a lease with an original term in
12 excess of 125 consecutive days, regardless of whether the holdover is
13 month-to-month or for some other term of less than 125 consecutive
14 days.

15 n. The rental of real property for a term less than 125 consecutive
16 days for residential purposes by a person having a permanent place of
17 residence elsewhere.

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28 other act.

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34 STATEMENT

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36 This bill would limit the authority of a municipality to license the
37 rental of commercial and residential real property to leases of less than
38 125 days. Under current law, a municipality has the authority to
39 regulate all leases. This bill would effectively limit that authority to
40 seasonal leases, such as weekly rentals in shore municipalities.

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45 Limits municipal authority to regulate leases to commercial and
46 residential real property leases less than 125 days in duration.

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 2297

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblymen DeCROCE and KAVANAUGH

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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. Buses, 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 buses, 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;

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

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¹ Senate SCO committee amendments adopted May 8, 1997.

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2 hawkers, peddlers, employment agencies, pawnbrokers, junk
3 shop-keepers, junk dealers, motor vehicle junk dealers, street
4 sprinklers, bill posters, bill tackers, sweeps, scavengers, itinerant
5 vendors of merchandise, medicines and remedies; and the places and
6 premises in which or at which the different kinds of business or
7 occupations mentioned herein are conducted and carried on;

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

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

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

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

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

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

39 j. Sales of goods, wares and merchandise to be advertised, held out
40 or represented, or which are advertised, held out or represented, to the
41 public, by any means, directly or by implication, as forced sales at
42 reduced prices or as insurance, bankruptcy, mortgage foreclosure,
43 insolvency, removal, loss or expiration of lease or closing out sales, or
44 as assignees', receivers' or trustees' sales or as sales of goods
45 distrained or as sales of goods damaged by fire, smoke or water,
46 except any sale which is to be held under a judicial order, judgment or

1 decree or a writ issuing out of any court or to enforce any lawful lien
 2 or power of sale whether by judicial process or not or by a licensed
 3 auctioneer; to make such regulations governing the advertisement
 4 holding out or representing to the public of such sales, and the conduct
 5 thereof, as the governing body of the municipality shall deem
 6 necessary to protect the public against fraud; to prohibit the
 7 advertising, holding out or representing to the public of any sale as
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 9 and to fix license fees for the conduct of such sales and to impose
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13 m. The rental of real property for commercial ~~or residential~~
 14 purposes ~~wherein the lease is for a term less than '125' 175'~~
 15 ~~consecutive days. No ordinance adopted pursuant to this subsection~~
 16 ~~shall apply to any lease or occupancy which results from a tenant~~
 17 ~~holding over at the expiration or early termination of a lease with an~~
 18 ~~original term in excess of '125' 175' consecutive days, regardless of~~
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ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2297

STATE OF NEW JERSEY

DATED: JANUARY 9, 1997

The Assembly Local Government Committee reports favorably Assembly Bill No. 2297.

Assembly Bill No. 2297 would limit the authority of a municipality to license the rental of commercial and residential real property to leases of less than 125 days. Under current law, a municipality has the authority to regulate all leases. This bill would effectively limit that authority to seasonal leases, such as weekly rentals in shore municipalities.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2297

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Community Affairs Committee reports favorably Assembly Bill No. 2297 with committee amendments.

This bill, as amended, would limit the authority of a municipality to license the rental of commercial and residential real property to leases of less than 175 days. Under current law, a municipality has the authority to regulate all leases.

The committee amended the bill to change its scope from leases of less than 125 days to leases of less than 175 days.