

40:52-1

**LEGISLATIVE HISTORY CHECKLIST**  
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(Municipality--licensing--rental property)

NJSA: 40:52-1

LAWS OF: 1995 CHAPTER: 385

BILL NO: S464

SPONSOR(S): Cafiero

DATE INTRODUCED: January 31, 1994

COMMITTEE: ASSEMBLY: Local Government  
SENATE: Community Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 4, 1996  
SENATE: March 31, 1995

DATE OF APPROVAL: January 10, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VE TO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

AN ACT concerning municipal licenses and amending R.S.40:52-1 and P.L.1987, c.174.

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

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

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

a. All vehicles used for the transportation of passengers, baggage, merchandise, and goods and chattels of every kind, and the owners and drivers of all such vehicles; and the places and premises in which or at which the different kinds of business or occupations mentioned herein are carried on and conducted. Nothing herein contained shall be construed as modifying or repealing any of the provisions of chapter 4 of [the] Title [Public Utilities (~~£ 48:4-1 et seq.~~)] 48 of the Revised Statutes (C.48:4-1 et seq.);

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

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

d. Hotels, boardinghouses, lodging and rooming houses, trailer camps and camp sites, motels, furnished and unfurnished rented housing or living units and all other places and buildings used for

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

Matter underlined thus is new matter.

sleeping and lodging purposes, and the occupancy thereof, restaurants and all other eating places, and the keepers thereof;

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

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

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

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

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

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

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

1. (Deleted by amendment, P.L.1984, c.205)[.]

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

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

(cf: P.L.1984, c.205, s.39)

2. Section 1 of P.L.1987, c.174 (C.40:52-1.2) is amended to read as follows:

1. Except as provided herein, the governing body of a municipality may, by ordinance, as a condition for the issuance or renewal of any license or permit issued by, or requiring the approval of, the municipality, require that the applicant, if he is the owner thereof, pay any delinquent property taxes or assessments on the property [wherein the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted] that is the subject of the license or on which a licensed activity or business is or will be conducted. The ordinance may also provide for the revocation or suspension of a license or permit when any licensee, who is an owner of the property affected by the license or upon which the licensed business or activity is conducted, has failed to pay the taxes due on the property for at least three consecutive quarters. Upon payment of the delinquent taxes or assessments, the license or permit shall be restored. The provisions of this section shall not apply to or include any alcoholic beverage license or permit issued pursuant to the ["Alcoholic Beverage Control Act,"] "New Jersey Alcoholic Beverage Control Act," R.S.33:1-1 et seq.

(cf: P.L.1987, c.174, s.1)

3. This act shall take effect immediately.

#### STATEMENT

This bill authorizes a municipality to license and regulate the rental of real property for commercial or residential purposes, and permits a municipality to require that prior to the issuance or renewal of any municipal license or permit, delinquent property taxes or assessments be paid by an applicant who is the property owner for the property that is the subject of the license or on which a licensed activity or business is or will be conducted.

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Permits municipality to regulate rental of certain real property and to withhold issuance or renewal of certain licenses.

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8 the State; provided, however, that the governing body of a  
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10 license and regulate real estate auctioneers or real estate brokers  
11 engaged in selling at auction and their business as provided in this  
12 section despite the fact that such real estate auctioneers or  
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23 the owner thereof, pay any delinquent property taxes or  
24 assessments on the property [wherein the business or activity for  
25 which the license or permit is sought or wherein the business or  
26 activity is to be conducted] that is the subject of the license or  
27 on which a licensed activity or business is or will be conducted.

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29 of a license or permit when any licensee, who is an owner of the  
30 property affected by the license or upon which the licensed  
31 business or activity is conducted, has failed to pay the taxes due  
32 on the property for at least three consecutive quarters. Upon  
33 payment of the delinquent taxes or assessments, the license or  
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45 rental of real property for commercial or residential purposes,  
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56 and to withhold issuance or renewal of certain licenses.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 464**

**STATE OF NEW JERSEY**

DATED: OCTOBER 19, 1994

The Assembly Local Government Committee reports favorably Senate Bill No. 464.

Senate Bill No. 464 authorizes a municipality to license and regulate the rental of real property for commercial or residential purposes, and permits a municipality to require that prior to the issuance or renewal of any municipal license or permit, delinquent property taxes or assessments be paid by an applicant who is the property owner for the property that is the subject of the license or on which a licensed activity or business is or will be conducted.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 464

STATE OF NEW JERSEY

DATED: MARCH 10, 1994

The Senate Community Affairs Committee reports favorably Senate Bill No. 464.

Senate Bill No. 464 authorizes a municipality to license and regulate the rental of real property for commercial or residential purposes, and permits a municipality to require that prior to the issuance or renewal of any municipal license or permit, delinquent property taxes or assessments be paid by an applicant who is the property owner for the property that is the subject of the license or on which a licensed activity or business is or will be conducted.