

USED CAR LOTS

CHAPTER 30.

USED CAR LOTS.¹

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Sec. 30-1. “Open air lots for sale, exchange or display of motor vehicles” defined.

The words “open air lots for the sale, exchange or display of motor vehicles” as used in this chapter, shall mean any open air plot of ground, lot or land within the town of any portion thereof where used motor vehicles are exhibited or stored, parked, kept or located for sale, exchange or display. For the purpose of this chapter, all lands used for such purpose that are contiguous or connected by a driveway or passageway or private property and not over a street, sidewalk or highway shall be considered as one lot. (G.O. No. 786, § 1.)

Sec. 30-2. License² – Required.

No person shall manage, conduct, operate or carry on the business of any open-air lot for the sale, display or exchange or motor vehicles, as defined by this chapter, without first having obtained a license therefor and paid the required fee. A separate license shall be required for each separate place of business. (G.O. No. 786, § 2.)

¹ For state law as to misrepresentation of mileage of used motor vehicles by changing mileage registering instrument, see R.S., §§ 2A:170-50.1 to 2A:170-50.3. As to buying, selling or trading motor vehicles on Sunday, see R.S., § 2A: 171-1.1.

² For state law authorizing town to license and regulate dealers in used motor vehicles, see N.J.S.A. § 10:52-1.

Sec. 30-3. Same – Application; renewal.

Applications for a license for the business of managing, conducting or carrying on an open-air lot, as described in this chapter, shall be made to the town clerk and shall accurately specify the location of the open-air lot, as shown on the tax map of the town, the portion of the lot to be used for such purpose and the number of square feet of area to be occupied thereby. Each such application shall be accompanied by a map, sketch or survey accurately showing the foregoing items. Applications for licenses shall be made on or prior to January 1 of each year.

Upon the expiration date of the license initially issued by the town council, the license may be renewed by filing a renewal application form with the town clerk. The town clerk will request inspection of the licensed premises, operation or device by the affected departments in accordance with inspection schedules approved by town council to assure compliance with all town codes on the part of the applicant. Violation of any section of any town code will constitute a basis of denial of the application for renewal. The town clerk shall also request a statement from the tax collector as to the tax records of the applicant. Delinquent taxes are hereby defined as taxes due from previous years. Upon receipt of departmental reports certifying that the premises, operation or device conforms with all town codes, the town clerk shall issue a renewal of the license for the term as specified. The town clerk shall file a monthly report with the town council, listing the renewal licenses issued during the month. The report shall specify the following:

1. The type of license.
2. Licensee.
3. Address of the licensee.
4. The amount of fees received.

The town clerk shall also file a monthly report with the town council, listing the applications for renewal licenses which have been denied and the basis for the denial. (G.O. No. 786, § 3; G.O. No. 943, § 1.)

Sec. 30-4. Same – Fees.

The annual license fee for each open air lot shall be one hundred dollars; provided, that the license fee for a gasoline service station or similar place of business whereon not more than two such motor vehicles shall be exhibited or displayed for sale or exchange at any one time shall be fifty dollars. (G.O. No. 786, § 4; G.O. No. 1162, § 1.)

Sec. 30-5. Same – Term; prorating of fees.

The license fee provided for in section 30-4 shall cover a period of one year commencing on January first and ending on December thirty-first of each such year. If at the time of filing the application for such license, less than six months of the licensed year have expired, the applicant shall be required to pay the full fee for the year, but if six months or more of such licensed year shall have expired, the applicant shall be required to pay one-half of the fee for the balance of such year. (G.O. No. 786, § 5.)

Sec. 30-6. Same – Revocation.

Any license granted under this chapter may be revoked by the mayor and town council for good cause shown after five days' notice in writing to the licensee and upon hearing before the town council or the license committee thereof of the charges presented. No license so revoked shall be reissued, except for good and sufficient reasons shown. (G.O. No. 786, § 6.)

Sec. 30-7. Same – Limitation of number to be issued.

The number of licenses which may be issued for lots regulated by this chapter within the town is hereby limited to nine; provided, that additional licenses may be issued for the following:

(a) To a presently established and authorized new car agency, operating in the town and holding a franchise from a manufacturer or motor vehicles for the sale of new vehicles furnished by such manufacturer where the agency does not maintain such a lot on the effective date of this chapter.

(b) To a bona fide agency, which may hereafter be established and authorized as an agency in the town, holding a franchise from a manufacturer or motor vehicles for the sale of new vehicles furnished by such manufacturer. (G.O. No. 786, § 7; G.O. No. 790.)

Sec. 30-8. Same – Transferability; expansion or extension of premises.

No license issued under this chapter shall be transferred or assigned, except with the consent of the town council, except in connection with, and as an incident to the sale and transfer of a franchise granted by a motor vehicle manufacturer to a new car sales agency. No license issued under this chapter shall be transferred to a different location, nor shall any premises licensed under this chapter be expanded or extended without first obtaining the consent of the town council. (G.O. No. 786, § 9.)

Sec. 30-9. Regulations as to operation of lots generally.

The holder of each license issued under this chapter shall comply with the following requirements. Each lot licensed under this chapter shall be subject to the following conditions and provisions, and failure to comply with any of same or the violation of any of the same shall constitute due cause to have such license revoked by the town council:

(a) Each licensed area shall be enclosed by a bumper rail of sturdy permanent construction, erected to height sufficient to prevent automobiles or motor vehicles from intruding on to the sidewalk beyond the property line of the lot.

(b) All automobiles or motor vehicles which are displayed for sale or exchange shall at all times be parked or stored on the licensed lot and shall at no time be permitted to stand or be parked on the sidewalks or in the streets or roadways of the town, either in front of or adjacent to the licensed premises or elsewhere.

(c) There shall be no openings for entrance or exit to or from such lot along the street lines on which the same abuts, except where the street curb has been lowered in

accordance with this Code or other ordinances of the town, and only at such locations and in such manner as may be approved by the town engineer.

(d) Whenever artificial lighting is used on the licensed premises, the same shall be so erected and maintained that no disturbing glare will be visible to adjacent property owners or to motorists using the public streets. No colored bulbs shall be permitted in such lighting that might in any way be mistaken for or confused with traffic lights or signals. All such lighting shall be turned off by 10:00 P.M. and all day on Sunday; except that the licensee may maintain thereafter only sufficient light to afford protection to the merchandise stored on such lot.

(e) Each licensed lot shall be surfaced with cracked stone, concrete or asphaltic mix in a manner to be approved by the town engineer.

(f) The surface of each licensed premises shall be constructed so as to provide sufficient drainage to prevent an accumulation of water thereon. In no instance will the open drainage of water over any sidewalk be permitted. Such drainage is to be performed in a manner to be approved by the town engineer.

(g) The operation of any such lot and the sale or exchange of motor vehicles thereon, is hereby prohibited between the hours of 10:00 P.M. and 8:00 A.M. on the following day during the week days, and shall be prohibited on Sundays, except between the hours of 10:00 A.M. and 5:00 P.M. (G.O. No. 786, § 8.)

Sec. 30-10. Buildings or other structures to be build in accordance with town Building Code.

Any building or structure hereafter erected on any premises licensed under this chapter for use as a shelter or office or other purpose shall be erected and constructed in accordance with the Building Code of the town. (G.O. No. 786, § 14.)

Sec. 30-11. Applicability of chapter.

The provisions of this chapter shall not apply to any lot or plot of land occupied by a public garage building wherein the business of public automobile repair, storage or sales room is maintained or conducted, nor to any lot or plot of land occupied by a building wherein there is stored or displayed motor vehicles for sale, but this provision shall not be construed to exempt any premises adjacent to any such garage or building, even though on the same tract of land, from the provisions of this chapter. (G.O. No. 786, § 11.)