

TOWNSHIP OF MONTAGUE

ORDINANCE NO. 2022-17

AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MONTAGUE TO ADD A NEW CHAPTER 64, "BUSINESS INSURANCE REGISTRATION"

WHEREAS, on August 5, 2022, Governor Murphy signed into law Senate Bill 1368, which mandates that business owners, rental unit owners, and certain multi-family home owners maintain liability insurance for negligent acts and omissions in amounts set forth in N.J.S.A. 40A:10A-1; and

WHEREAS, Senate Bill 1368 additionally requires such business, rental unit, and certain multi-family home owners to annually register a Certificate of Insurance with the municipality in which the business, rental unit, or multi-family home is located, in accordance with N.J.S.A. 40A:10A-2a, effective November 3, 2022; and

WHEREAS, N.J.S.A. 40A:10A-2b authorizes municipalities to, by ordinance, establish a reasonable administrative fee for administration of the registration program, and to enforce penalties pursuant to N.J.S.A. 2A:58-10 et seq. for failure to comply with the registration requirements; and

WHEREAS, in order to ensure compliance with this new law, business owners and owners of multi-family rental units are required to annually register a Certificate of Insurance with the municipality where the business or rental unit is located; and

WHEREAS, the Township of Montague has reviewed this recent legislation and determined that the Code should be amended to establish a registration program and establish fees and penalties associated with same.

BE IT ORDAINED, by the Township Committee of the Township of Montague, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1. The Code shall be amended to add a new Chapter 64 entitled "Business Insurance Registration" to read as follows:

Chapter 64 Business Insurance Registration

§64-1. Insurance Coverage Required.

The owner of a business or the owner of a rental unit or units, other than a multifamily home as set forth in this Section below, shall be required to maintain liability insurance for all negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§64-2. Annual Registration Requirement.

Any owner of a business or rental unit(s) required to maintain insurance as set forth in Section 64-1 above, is required to register the certificate of such insurance coverage with the Township Construction Official, as follows:

- 1) Within 30 days of the date this Ordinance takes effect.
- 2) Within 30 days of the date of establishment of said business or rental unit(s) within the Township.
- 3) On or before January 15 or each year following enactment of this Section.

A new certificate will be required annually for each calendar year. All certificates shall be renewed no later than January 15 of each year. It shall be the responsibility of any owner conducting, operating, or engaging in any business covered by this requirement to obtain and register their certificate of insurance coverage with the Township Construction Official.

§64-3 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS

Any person offering and/or engaged in buying, selling, storing, and/or transferring merchandise, goods, real property, personal property, moneys, services and/or other items who do so for a fee, price, retainer, commission, percentage, and/or other means of compensation for the purpose, stated or otherwise, of realizing a profit or other gain.

MUNICIPAL INSURANCE REGISTRATION FORM

The registration form to be filed with the Township Construction Official.

MUNICIPAL INSURANCE REGISTRATION CERTIFICATE

The certificate issued by the Township Construction Official, indicating compliance with the registration requirement.

CERTIFICATE OF INSURANCE

The certificate of insurance form.

MUNICIPALITY

The Township of Montague.

§64-4 Municipal Insurance Registration Form; Required Information; Issuance of Certificate

A. Any business owner, rental unit owner, or owner of a multifamily home that contains four or fewer units, one of which is owner occupied, located within the Township shall file a completed municipal insurance registration form and certificate of insurance with the Township Construction Official and shall pay the required fee.

B. The municipal insurance registration form shall contain the following information for each owner applying for a certificate:

- (1) The name of the owner.
- (2) The nature of and address of the business, rental unit(s) or multifamily home(s).
- (3) The business address of the owner.
- (4) The home address of the owner.
- (5) The business telephone number of the owner.
- (6) The home telephone number and/or cell number of the owner.
- (8) The trade name or other business identification titles used by the owner.

C. The Township Construction Official shall issue a municipal insurance registration certificate to any owner who files a completed municipal insurance registration form with certificate of insurance demonstrating the required coverage, and pays the required fee.

D. A copy of the completed municipal insurance registration form shall be returned to the registrant with an acknowledgment by the Township Construction Official that it has been properly filed.

§64-5 Licensing Two or More Businesses or Locations.

A. In the event that two (2) or more businesses occupy the same location, the owner shall be required to complete a separate municipal insurance registration form and obtain a separate certificate for each such business.

B. In the event that the same owner conducts businesses at two (2) or more locations, a separate business registration form and certificate shall be required for each location.

§64-6 Changes in Businesses or Locations or Owners.

Every owner having a municipal insurance registration certificate for a business or rental unit or multifamily home of four or few units, one of which is owner occupied, that ceases to operate, changes the principal activity in which it is engaged, changes its location and/or locations in the municipality, moves out of the municipality or changes owners and/or managers, must submit written notice to the Township Construction Official within thirty (30) days of such change. In the event of cessation of business or moving out of the municipality, the person having a certificate for a business must provide the name, address, and home telephone number of the person or principal officer of the business to the Township Construction Official within thirty (30) days of such event.

§64-7 Compliance with Applicable Laws and Ordinances.

Issuance of a municipal insurance registration certificate by the municipality does not evidence compliance with other applicable rules, regulations, ordinances, and statutes of the municipality, County, and State of New Jersey, or other regulatory agencies having jurisdiction over the activities of the certificate holder.

§64-8. Registration Fee.

The annual fee for registration of the certificate of insurance pursuant to this Section shall be \$25.00, due at the time the certificate of insurance is to be registered with Township Construction Official.

§64-9. Violations.

If the owner of a business or rental unit(s) subject to the registration requirements of this Section is found to be in violation of these provisions, a fine of not less than \$25.00 but no more than \$100.00 shall be assessed against same.

Any owner that shall be convicted of a violation of a provision of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to penalties set forth in N.J.S.A. 2A:58-10 et seq. Each day that such violation exists shall constitute a separate offense.

SECTION 2. All Ordinances of the Township of Montague, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Adopted: October 25, 2022

ATTEST:

Eileen DeFabiis, RMC/CMR

Richard E. Innella, Mayor

RECORD OF COMMITTEE VOTES				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JOSEPH KRUMPFER		X		
JAMES LEDONNE	X			
FRED MERUSI		X		
GEORGE ZITONE		X		
MAYOR RICHARD INNELLA	X			

CERTIFICATION

I, Eileen DeFabiis, hereby certify that this is a true and accurate copy of the resolution adopted by the Montague Township Committee, In the County of Sussex, State of New Jersey at a regular meeting held on October 25, 2022.

Eileen DeFabiis, RMC/CMR
Montague Township Clerk

NOT ADOPTED