

**AN ORDINANCE AUTHORIZING THE REVISION OF THE BOROUGH OF BERLIN  
MUNICIPAL CODE REQUIRING BUSINESSES TO OBTAIN A MERCANTILE LICENSE AND  
CERTAIN LIABILITY INSURANCE**

**ORDINANCE 2023:13**

**WHEREAS**, the Borough of Berlin (“Berlin”) is authorized to enacted ordinances for the public good in accordance with New Jersey State Law; and

**WHEREAS**, N.J.S.A. 40A:10A-1 et seq. which recently enacted requiring a business owner or rental unit owner to carry certain amounts of liability insurance coverage; and

**WHEREAS**, this Ordinance authorizes the Borough to require the issuance of mercantile licenses and enforce penalties for failure of businesses to obtain the same;

**WHEREAS**, this Ordinance requires business owners and others required by law to obtain liability insurance in accordance with N.J.S.A 40A:10-1 et seq.

**NOW THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Berlin in the County of Camden and State of New Jersey that Municipal Code of Berlin Borough is supplemented and amended as follows:

**SECTION 1:** This Ordinance shall be entitled:

§ 219-1           **MERCANTILE LICENSING AND LIABILITY INSURANCE REQUIREMENTS**

§ 219-2:           Definitions: As used in this section:

**BUSINESS**

Any activity offering goods, services or a combination thereof for the sale or rent.

**LICENSEE**

Shall mean any individual or entity who, or which, owns or leases, and/or operates, a Business within the Borough and has complied with the provisions of this Chapter in obtaining a Mercantile License.

§ 219-3:           Purpose:

The purpose of this Chapter shall be to establish a Mercantile Licensing Registry require Mercantile Licensing to be obtained by all Business owners, and comply with N.J.S.A. 40A:10A-1 et. seq., requiring business owners and rental unit owners to obtain certain levels of liability insurance.

§ 219-4:           Construction of Chapter:

This chapter shall not be construed to repeal or amend any other Section or Chapter of the Municipal Code requiring specific business owners to maintain certain levels of liability insurance. To the extent that this Chapter requires liability insurance in an amount less than other Chapters of the Berlin Borough Code, the Section or Chapter of the Berlin Borough Code requiring the greater amount of liability insurance will govern.

§ 219-5: Application:

Application for a license to conduct a business shall be made to the Borough's Licensing Registry. Upon application and the payment of the fee prescribed herein, a license shall be issued, which license shall bear the name of the person to whom it is issued, the nature of the business licensed, and the location at which the business is to be carried on.

§ 219-6: License Required:

No person shall engage in or carry on any business in the Borough, nor encourage and assist in carry on of any business, unless a license as hereinafter provided for shall have been first obtained.

§ 219-7: Term of the License:

All mercantile licenses under this chapter shall be due and payable on October 1 of each year and shall terminate and become invalid on September 30 of the next succeeding year.

§ 219-8: Annual Fees for Mercantile Licenses:

All Licensees are required to pay an annual fee, to be paid to the Borough's Licensing Registry for conducting the business of selling goods, services or a combination thereof. The amount may be set or amended from time-to-time adoption of a specific resolution by the council.

§ 219-9: Posting Licenses:

Licenses issued under this Chapter shall be posted at the place of business shown on the license in a conspicuous place. The license shall remain posed for the duration of the licensing year when issued, and so long as the licensed business is carried out.

§ 219-10: Location Restriction:

No Business shall be permitted on the location other than that for which the license is issued.

§ 219-11: Enforcement by the Zoning Official:

The proper enforcement provisions of this Chapter and related ordinances dealing with the regulation of Businesses shall be a proper concern of the Director of Planning and Development, Zoning Official of the Borough, and any other designees.

§ 219-12: Liability Insurance Requirements:

All Businesses and Licensees as defined under this Chapter are required to submit to the Borough's Licensing Registry a certificate of insurance, pursuant to N.J.S.A. 40A:10A1 et seq. under the following requirements:

a. Except as provided in subsection b. of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for 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.

b. 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 person sin any one accident or occurrence.

§ 219-13: Enforcement of Liability Insurance Requirements:

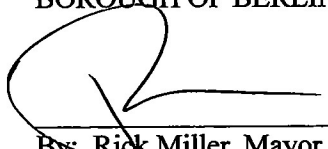
The Licensing Registry may collect, through summary proceeding pursuant to "Penalty Enforcement Law of 1999," P. L. 199, c. 274 (C. 2A:58-10 et seq.), a fine of \$2,000 against an owner who failed to comply with Ordinance.

**SECTION 2:** All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.


**SECTION 3:** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 4:** This Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF BERLIN

  
\_\_\_\_\_  
By: Rick Miller, Mayor

ATTEST:

  
\_\_\_\_\_  
Rachel von der Tann, Acting Borough Clerk

I, Rachel von der Tann, Acting Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of December 14, 2023 in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.

  
\_\_\_\_\_  
Rachel von der Tann, Acting Borough Clerk