

**BERNARDSVILLE BOROUGH
ORDINANCE #2023-1964**

**AN ORDINANCE ESTABLISHING A FEE FOR THE REGISTRATION OF
CERTIFICATES OF INSURANCE BY OWNERS OF BUSINESSES
AND RENTAL UNITS IN COMPLIANCE WITH N.J.S.A. 40A:10A-2**

WHEREAS, N.J.S.A. 40A:10A-1 provides that:

“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 persons in any one accident or occurrence”; and

WHEREAS, paragraph a. of N.J.S.A. 40A:10A-2 provides that:

“a. The owner of a business, owner of a rental unit or units and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating compliance with [N.J.S.A. 40A:10A-1] with the municipality in which the business, rental units, or multi-family home is located.”; and

WHEREAS, paragraph b. of N.J.S.A. 40A:10A-2 provides that:

“b. The governing body of a municipality may, by ordinance, establish a reasonable administrative fee for the certificate of registration required pursuant to subsection A. of this section for properties located in that municipality. The governing body of a municipality may collect, through a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, C. 274 (C.2A: 58-10 et seq.), a fine of not less than \$500 but no more than \$5,000 against an owner who failed to comply with the provisions of this act”; and

WHEREAS, the governing body wishes to establish a reasonable administrative fee for the certificate of registration required pursuant to N.J.S.A. 40A:10A-2;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey, as follows:

Section 1. There is hereby created a new Chapter 27 in the Borough Code entitled “Administrative Fees for Registration of Certificate of Insurance Required for Owners of Businesses and Rental Units,” which reads as follows:

“Chapter 27 Administrative Fees for Registration of Certificate of Insurance Required for Owners of Businesses and Rental Units

§ 27-1. All owners of businesses, a rental unit or units, and multi-family homes of four or fewer units, one of which is owner-occupied, shall by January 30 of each calendar year, register a certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1.

§ 27-2. An administrative fee of \$50.00 shall be charged for each registration required pursuant to this Chapter.

§ 27-3. **Enforcement.** In accordance with the provisions of N.J.S.A. 40A:10A-2, the Mayor may collect through a summary proceeding pursuant to the ‘Penalty Enforcement Law of 1999’ (N.J.S.A. 2A:58-10 et seq.) a fine of not less than \$500 but no more than \$5,000 against an owner who fails to comply with the provisions of this chapter.”

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano, Borough Clerk

By:
Mary Jane Canose, Mayor

Introduction:

1st Publication:

Public Hearing and Adoption:

2nd Publication: