ORDINANCE ESTABLISHING INSURANCE REGISTRY FOR BUSINESSES AND RENTAL PROPERTIES WITHIN THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY #872-23

WHEREAS, in accordance with N.J.S.A. 40A:10A-1, et seq., the owner of a business or rental unit(s) located within the State of New Jersey is required to maintain liability insurance for negligent acts and omissions as provided in the statute; and

WHEREAS, pursuant to N.J.S.A. 40A:10A- 2(a), in order to demonstrate compliance with statutory insurance requirements, the owner of a business or rental unit(s) located within the State of New Jersey is required to annually register a certificate of insurance with the municipality in which the business or rental units are located; and

WHEREAS, pursuant to N.J.S.A. 40A:10A- 2(b), municipalities may, by ordinance, establish a reasonable administrative fee for the registration of the certificate of insurance required by N.J.S.A. 40A:10A-1, et seq; and

WHEREAS, these requirements may be enforced by a municipality through summary proceedings authorized under N.J.S.A. 2A:58-10 et seq., with a fine of not less than $500, but no more than $5,000 against an owner who fails to comply with the provisions of N.J.S.A. 40A:10A-1, et seq; and

WHEREAS, Chapter 12 "Buildings and Housing; Soil Removal" of the Revised General Ordinances of the Borough of Little Silver ("Borough Code") contains regulations relating to real property within the Borough of Little Silver.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Little Silver in the County of Monmouth, State of New Jersey that certain sections of the Borough Code be amended as follows (additions to text indicated by underlined text; deletions to text indicated by strikeout.):

SECTION 1. The Borough Code is hereby amended to include the addition of Chapter 12, Section 12 "Liability insurance requirements for owners of businesses or rental units; coverage amounts" as follows:

§ 12-12 **LIABILITY INSURANCE REQUIREMENTS FOR OWNERS OF BUSINESSES OR RENTAL UNITS; COVERAGE AMOUNTS**

§ 12-12.1 **Purpose.**

The purpose of this ordinance is to comply with the provisions of N.J.S.A. 40A:10A-1, et seq. imposed upon municipalities by the State, requiring municipalities to administer an insurance registration program imposed upon business owners and rental unit owners, requiring the annual registration of their Certificates of Insurance demonstrating sufficient liability insurance for negligent acts and omissions.

§ 12-12.2 **Definitions.**

As used in this section, the following terms shall have the meanings indicated:

CERTIFICATE OF INSURNACE - A document issued by an insurance carrier licensed to do business in the State of New Jersey including:

(a) the policy holder's name;

(b) the address of the covered property;

(c) the effective dates of the policy;

(d) the type of coverage provided;

(e) the policy limits; and

(f) the names of any additionally insured parties.

§ 12-12.3 **Liability Insurance Required for Businesses and Rental Unit Owners.**

The owner of any business, or rental unit or units, within the Borough shall maintain liability insurance for negligent acts and omissions for the combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence in the amounts established under N.J.S.A. 40A:10A-1.

§ 12-12.4 **Annual Registration of Certificate of Insurance.**

The owner of any business, or rental unit or units, shall annually, by January 1 of each calendar year, have registered a Certificate of Insurance with the Borough Clerk/Administrator demonstrating compliance with the requirements of N.J.S.A. 40A:10A-1 for any business, or rental unit or units located within the Borough.

§ 12-12.5 **Administrative Fees.**

The annual administrative fees, payable at the time of registration, shall be:

a. Individual Businesses: $25.

b. 1-20 Unit Rental Unit Owners: $30.

c. 21-150 Unit Rental Unit Owners: $40.

d. 151+ Unit Rental Unit Owners: $50.

e. For any 100% governmental or 501(c)(3) charitable entities: No Fee.

f. Late filing fee if more than 10 calendar days after January 1, or annual renewal date, as applicable: $50.

§ 12-12.6 **Penalties.**

The Borough 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 $500 against an owner who fails to comply with the provisions of N.J.S.A. 40A:10A-1, et seq.; which shall apply as a separate offense for each property owned.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 3. Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Council	Motion	2nd	Ayes	Nays	Abstain	Absent
Councilwoman Brannagan	X		X			
Councilman Brennan			X			
Councilman Christensen			X			
Councilman Galante			X			
Councilman Holzapfel						X
Councilman Smith		X	X			
Mayor Neff						
		VOTE	6	0		

Borough of Little Silver : **ESTABLISHING INSURANCE REGISTRY FOR BUSINESSES AND RENTAL PROPERTIES WITHIN THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY.**

1.
ORDINANCE #872-23:

Advertised in the TRT July 20, 2023

Introduced: July 17, 2023

Passed: August 14, 2023

Adopted: August 14, 2023

I, Kevin J. Burke, Jr., Borough Administrator/ Borough Clerk of the Borough of Little Silver do hereby certify that the foregoing is a true copy of Ordinance #872-23, that was passed upon the 2nd reading and public hearing at a meeting held on August 14, 2023, of the Borough Council of the Borough of Little Silver.

Kevin J. Burke, Jr.
Administrator/Borough Clerk