

BOROUGH OF PALMYRA  
ORDINANCE 2023-03

AN ORDINANCE OF THE BOROUGH OF PALMYRA, IN THE COUNTY OF BURLINGTON,  
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO ESTABLISH "BUSINESS & RENTAL UNIT  
INSURANCE REGISTRATION," AS REQUIRED BY STATE LAW

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

NOW THEREFORE BE IT ORDAINED, by the governing body of the Borough of Palmyra, County of Burlington, State of New Jersey, that:

A new Chapter 132, **Business & Rental Unit Insurance Registration**, shall be added to the Borough of Palmyra Code and shall read as follows:

Chapter 132 **Business & Rental Unit Insurance Registration**

**SECTION 1.**

§ 132 Insurance Coverage Required.

- A. The owner of a business or the owner of a rental unit or units, other than a multifamily home as set forth in § 132-1(B) 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.
- 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.

§ 132-2 Annual Registration Requirement.

- A. Any owner of a business or rental unit(s) required to maintain insurance as set forth in this Chapter is

required to register the certificate of such insurance coverage with the Borough Clerk 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 Borough of Palmyra.
  3. On or before January 15 of each year following enactment of this Ordinance.
- B. A new certificate will be required annually for each calendar year. All certificates shall be renewed no later than January 15th of each year. It shall be the responsibility of any owner conducting, operating or engaging in any business covered by this requirement to apply for a certificate at the Office of the Borough Clerk.

§ 132-3 Definition.

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.

**CERTIFICATE OF INSURANCE**

The certificate of insurance form

**MULTIFAMILY DWELLING**

Shall mean a building or structure or part thereof containing four or more dwelling units or lodging units.

**MUNICIPAL INSURANCE REGISTRATION CERTIFICATE**

The certificate issued by the Borough Clerk indicating compliance with the registration requirement.

**MUNICIPAL INSURANCE REGISTRATION FORM**

The registration form to be filed with the Borough Clerk.

**MUNICIPALITY**

The Borough of Palmyra

§ 132-4 Municipal Insurance Registration Form; Required Information; Issuance of Certificate

A. Any business owner, rental unit owner, or owner of a multifamily home that is four or fewer units, one of which is owner occupied, located within the Borough of Palmyra shall file a completed municipal insurance registration form and certificate of insurance issued by the insurance company that issued the policy with the

Borough Clerk 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.
7. The trade name or other business identification titles used by the owner.
8. Date of issuance and expiration of insurance policy

C. The Borough Clerk 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. Upon receipt of the requirements of § 132, the municipal insurance registration certificate shall be issued along with a copy of the completed municipal insurance registration form with an acknowledgment by the Borough Clerk that it has been properly filed.

#### § 132-5 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 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.

#### § 132-6 Changes in Business 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 Borough Clerk 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 Borough Clerk within thirty (30) days of such event.

#### § 132-7 Compliance with Applicable Laws and Ordinances.

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

§ 132-8 Registration Fee.

The annual fee for registration of the certificate of insurance pursuant to this Chapter shall be \$25.00, due at the time the certificate of insurance is to be registered with the Borough Clerk.

§ 132-9 Violations.

If the owner of a business or rental unit(s) subject to the registration requirements of this Chapter is found to be in violation of these provisions, a fine of not less than \$500 but no more than \$5,000 may be assessed against same through a summary proceeding in accordance with the provisions of in N.J.S.A. 2A:58-10 et seq.

**SECTION 2.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of the Ordinance.

**SECTION 3.** All ordinances or parts of ordinances of the Borough of Palmyra that are inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect twenty (20) days following the final passage, approval, and publication as required by law.

§ 132-10 Other References.

Also see the provisions of Chapter 173 of the Code entitled Mercantile Licensing and Chapter 208 of the Code entitled Rental Property.

Also Amending Chapter 173 Section 11

Remove 173-11 in its entirety and replace with:

Upon receipt by the Clerk of a completed application for a license, together with the payment of the appropriate fee, and the Certificate of Insurance for the Business, as set forth in §132-1, a license may be issued to the applicant upon investigation and inspection. No annual license may be issued without receipt from the Zoning Officer of a report and certification that the activity proposed to be licensed and the premises upon which same is to be conducted comply with all local, county and state zoning regulations. A copy of all license applications shall be presented to the Chief of Police and no license shall be issued unless approved by the Chief of Police. The Clerk, after consultation with and approval by the Construction Official, shall otherwise be satisfied that the premises upon which the proposed activity is to be conducted meets all applicable building, plumbing, electrical and fire code standards.

Also Amending Chapter 208 Section 5

Remove 208-5 in its entirety and replace with new:

208-5 License as Certificate of Occupancy; duration; compliance required

A. All rental units shall be licensed in accordance with this article. The license is a certificate of occupancy and shall be issued by the Borough upon the registration of the rental unit as set forth in § 208-3, the payment of the registration fee as set forth in § 208-7, and the satisfactory inspection as set forth in § 208-4 and submission of Certificate of Insurance as set forth in §132-1 Upon issuance, a copy of the certificate of occupancy shall be provided to the tenant.

B. Certificates of occupancy shall have a term of two years.

C. Once a rental unit has been issued two consecutive certificates of occupancy and the owner(s) of that rental unit have not been convicted of or pled guilty to any violation of this article in the Borough's Municipal Court, that rental unit shall thereafter be subject to registration, inspection, and licensure every five years rather than two years. This provision shall not apply to any reregistration/inspections triggered by a change in occupancy.

D. No tenant shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit by a tenant unless there is compliance with the provisions of this article.

Approved for introduction at the Caucus meeting of the Borough of Palmyra Mayor and Council on March 6, 2023, Public Notice of the second reading and public hearing was published in the Burlington County Times on March 10, 2023. Public Notice and second reading will be held **April 3, 2023**.

RECORDED VOTE	MOTION	SECOND	INFAVOR	AGAINST	ABSTAIN	ABSENT
LAURA CLOUD			X			
NATASHIA LATIMORE		X	X			
JOHN LIEBE	X		X			
MICHELLE MCCANN						X
JESSICA O'CONNOR			X			
PRESIDENT TIMOTHY HOWARD						X
MAYOR GINA RAGOMO TAIT						

Approved for final adoption at the Caucus meeting of the Borough of Palmyra Mayor and Council on April 3, 2023 after a public hearing was held. Public Notice was given for the public hearing by being published in the Burlington County Times on March 10, 2023.


RECORDED VOTE	MOTION	SECOND	INFAVOR	AGAINST	ABSTAIN	ABSENT
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LAURA CLOUD						X
NATASHIA LATIMORE			X			
JOHN LIEBE			X			
MICHELLE MCCANN		X	X			
JESSICA O'CONNOR			X			
PRESIDENT TIMOTHY HOWARD	X		X			
MAYOR, GINA RAGOMO TAIT						

DATE OF FINAL PUBLICATION: April 7, 2023

ATTEST:

SIGNED:

  
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 Doretha R Jackson  
 Municipal Clerk

  
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 Gina Ragomo Tait  
 Mayor