AN ORDINANCE CREATING SUBSECTION 122-9 THROUGH 122-13 OF THE CODE OF THE TOWNSHIP OF PENNSAUKEN, ENTITLED "BUSINESS INSURANCE REQUIREMENTS AND REGISTRY" AND CREATING ARTICLE V IN CHAPTER 251, ENTITLED "BUSINESS INSURANCE REQUIREMENTS AND REGISTRY" PURSUANT TO N.J.S.A. 40A:10A-1 & 2;P.L. 2022, c.92

WHEREAS, on August 5, 2022, Governor Murphy signed Senate Bill 1368 into law as P.L. 2022, c. 92; which was codified as N.J.S.A. 40A:10A-1 & 2; and

WHEREAS, N.J.S.A. 40A:10A-1 requires business owners and rental unit owners to maintain $500,000 of liability insurance, and owner-occupied multi-family dwellings with four units or less to maintain $300,000 of liability insurance; and

WHEREAS, pursuant to N.J.S.A. 40A:10A-2, municipalities must establish business insurance registries for those required to maintain liability insurance minimums; and

WHEREAS, business and rental unit owners must provide municipalities a certificate of insurance to establish annual compliance with N.J.S.A. 40A:10A-2; and

WHEREAS, municipalities may charge an administrative fee for the provision of a certificate of registration with the business registry; and

WHEREAS, municipalities may impose a fine for an owner's failure to maintain the necessary coverage or failure to provide a certificate of insurance; and

WHEREAS, the Township Committee of the Township of Pennsauken believes it to be in the Township's best interest to adopt an ordinance in conformance with, and required by, N.J.S.A. 40A:10A-1 & 2.

NOW, THEREFOR, BE IT ORDAINED, by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey, that the code of the Township of Pennsauken is hereby amended to add the following subchapter 122-9, entitled "Business Insurance Requirements and Registry" to Chapter 122 and Article V, entitled "Business Insurance Requirements and Registry" to Chapter 251:

SECTION ONE: Chapter 122 of the Code of the Township of Pennsauken is hereby amended as set forth in this ordinance.

§ 122-9 Purpose.

These subsections, 122-9 through 122-13 implement the provisions of N.J.S.A. 40A:10A-1 & 2, requiring business owners, owners of rental units, and owners of owner-occupied multi-family units to maintain certain liability insurance minimums, and requiring the creation of a municipal business insurance registry.

§ 122-10 Business Insurance Required.

a. Except as provided in Subsection 122-10(b), business owners or owners of rental units located in the Township of Pennsauken must maintain liability insurance for negligent acts and omissions, at a policy minimum of $500,000 for combined property damage and bodily injury to, or death of, one or more persons in any one accident or occurrence.

b. Owners of multi-family dwellings located in the Township of Pennsauken, with four or fewer units, of which one unit is owner-occupied, must maintain liability insurance for negligent acts and omissions, at a policy minimum of $300,000 for combined property damage and bodily injury to, or death of, one or more persons in any one accident or occurrence.

§ 122-11 Business Insurance Registry.

Owners subject to the minimum liability insurance requirements provided in this Chapter must annually register a certificate of insurance issued by the owner's insurance company to demonstrate compliance with subsection 122-10.

To complete annual registration, the owner must file following documents with the Township Clerk or the Clerk's designee:

a. A valid certificate of insurance supplied by the insurance company that issued the

policy;

 b. Business name, if applicable;

 c. Name of business owner or property owner;

 d. Address of business or property;

 e. Date of issuance and expiration of insurance policy;

 f. Contact information for business or property owner; and

 g. $20 administrative fee.

§ 122-12 Certification of Registration.

Upon satisfaction of the registration requirements in subsection 122-11, the Township Clerk shall issue a certificate of registration to the owner. This certificate of registration shall act as proof of compliance with this Chapter. A certificate of registration shall be valid for one calendar year from the date of issuance.

§ 52-13 Fine for Noncompliance.

If an owner fails to maintain the required level of insurance or fails to file annual registration, the Township may impose a fine against the owner of not less than $500 but no more than $5,000 by way of summary proceeding pursuant to N.J.S.A. 2A:58-10.

SECTION TWO: Article V, entitled "Business Insurance Requirements and Registry" is hereby added to Chapter 251 entitled "Rental Units" as follows:

§ "251.41 Requirements

 A. Proof of liability insurance as required by Chapter 122."

SECTION THREE. Repealer, Severability, and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. The fines and penalties established within this Ordinance shall be considered cumulative, and not superseding, as a remedy available to the Township in addition to those which may also apply under any other applicable Township ordinance, or other applicable local, County, or State law or regulation.

D. This Ordinance shall become effective immediately upon adoption and publication in the manner prescribed by law.

<div align="right">

TOWNSHIP OF PENNSAUKEN

Pamela Scott-Forman, RMC
TOWNSHIP CLERK

</div>

<div align="center">

STATEMENT

</div>

Notice is hereby given that the foregoing Ordinance was adopted by the Township Committee of Pennsauken Township, Camden County State of New Jersey at a regular meeting held on Thursday, March 2, 2023, at 6:00 p.m. after a public hearing.