

ORDINANCE 23-18

BOROUGH OF POMPTON LAKES

AN ORDINANCE AMENDING CHAPTER 5, “LICENSES, PERMITS AND BUSINESS REGULATIONS,” ARTICLE 1, “PAYMENT OF TAXES REQUIRED,” SECTION 1, “PAYMENT OF TAXES REQUIRED FOR ISSUANCE OF LICENSE OR PERMIT” AND CHAPTER 20 “RENTAL PROPERTY,” ARTICLE 1, “RENTAL PROPERTY REGISTRATION,” OF THE BOROUGH’S MUNICIPAL CODE

WHEREAS, on August 5, 2022, the Governor of the State of New Jersey signed into legislation N.J.S.A. 40A:10A-1, et seq., a law that requires all owners of businesses and rental units to maintain certain levels of liability insurance, which became effective November 3, 2022; and

WHEREAS, on August 5, 2022, the Governor of the State of New Jersey signed into legislation N.J.S.A. 40A:10A-2, et seq., a law that requires all owners of businesses and multifamily rental units of four or fewer to register a certificate of insurance on an annual basis and impose fines for failure to comply of not less than \$500 but not more than \$5,000 against an owner, which became effective November 3, 2022; and

WHEREAS, it is necessary to amend Ordinance § 5-1.1, “Payment of Taxes Required for Issuance of License or Permit,” and Ordinance § 20-1.1, “Permit Required for Rental or Lease of Property” to include the recently effective legislation; and

WHEREAS, adoption of this Ordinance complies with N.J.S.A. 40A:10A-1 and N.J.S.A. 40A:10A-2.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that:

SECTION 1. The foregoing whereas clause is incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 5. “Licenses, Permits and Business Regulations” is hereby amended as follows:

Note: Additions are shown in **bold and underline** and deletions are shown as ~~strikethrough~~.

5-1 PAYMENT OF TAXES REQUIRED.

§ 5-1.1 Payment of Taxes Required for Issuance of License or Permit.

A. All owners of businesses that are located within the Borough 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 accident or occurrence, pursuant to N.J.S.A. 40A:10A-1(a).

B. All owners of businesses that are located within the Borough shall annually register a certificate of insurance with the Borough Clerk, demonstrating compliance with N.J.S.A. 40A:10A-1(a), pursuant to N.J.S.A. 40A:10A-2.

Each annual registration of a certificate of insurance for each business shall be \$25.00. Noncompliance with the registration of the certificate of insurance shall result in a fine against the owner of \$ 500.00.

C. As a condition for the issuance or renewal of any license or permit issued by or requiring approval of the Borough, the owner of any real property for which the license or permit is to be located, shall be current on all property taxes and assessments on the property where the license or permitted activity or business is or will be conducted.

In such cases where a property affected by the licensed or permitted activity by the property owner is delinquent on property taxes or assessments for at least three consecutive quarters, a license or permit may be revoked or suspended by resolution of the Borough Council. When the delinquency is cured, the license or permit shall be restored by resolution of the Borough Council.

The provisions of this subsection shall not apply to alcoholic beverage licenses or permits issued pursuant to N.J.S.A. 33:1-1 et seq.

SECTION 3. Chapter 20, “Rental Property,” Article 1, “Rental Property Registration” is hereby amended as follows:

§ 20-1 RENTAL PROPERTY REGISTRATION.

§ 20-1.1 Permit Required for Rental or Lease of Property.

A. It shall be unlawful for any owner or persons having possession and control of premises, or their agents, to use, establish, maintain, operate, or let any premises subject to the provisions of this section, entirely, or partially for residence occupancy, where any rent is paid, charge is made, or any benefit obtained for such use and occupancy, without first having registered the premises with the Construction Code Official or his designee(s) and obtaining a permit for the residential rental use thereof. Nursing homes specifically shall be excluded from the permitting requirements of this section. Failure or refusal to register the premise or to procure a permit hereunder shall be deemed a violation of this section.

B. All owners of rental unit(s) located within the Borough shall maintain liability insurance for negligent acts and omissions in the amount of \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence, pursuant to N.J.S.A. 40A:10A-1(a).

All owners of a multifamily home(s) of four or less units, one of which is owner occupied, that are located within the Borough, shall maintain liability insurance for negligent acts and omissions in the amount of \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence, pursuant to N.J.S.A. 40A:10A-1(b).

C. All owners of rental unit(s) and owners of a multi-family home of four or fewer units, one of which is owner occupied, that are located within the Borough, shall annually register a certificate of insurance with the Borough Clerk demonstrating compliance with N.J.S.A. 40A:10A-1, pursuant to N.J.S.A. 40A:10A-2(a).

D. Each annual registration of a certificate of insurance for each rental unit (s) and/or multi-family home of four or fewer units, one of which is owner occupied shall be \$25.00. Noncompliance with the registration of the certificate of insurance shall result in a fine against the owner of \$500.00.

Noncompliance with the registration of the certificate of insurance shall result in a fine against the owner of \$500.00

§20-1.10 Fees.

A. Each registration and application for permit shall be accompanied by a fee as required by the following table:

Type of Dwelling	Fee
Residential detached single-family dwelling	\$50 per dwelling
Residential two-family or multifamily dwelling	\$50 for the first dwelling unit, plus \$25 per additional dwelling unit

Type of Dwelling	Fee
Rooming or boardinghouse	\$50 for the first dwelling unit, plus \$25 per additional rooming/boarding unit
Residential apartments	\$50 for the first dwelling unit, plus \$25 per additional apartment unit

B. Each annual registration of a certificate of insurance for each business, rental unit(s) or multi-family rental units of four or fewer units, one of which is owner occupied, shall be accompanied by a fee as required by the following table:

<u>Type of Dwelling</u>	<u>Fee</u>
<u>Business Owner</u>	<u>\$25.00 per business</u>
<u>Rental unit (s)</u>	<u>\$25.00 per rental unit address</u>
<u>Multi-family home with four or fewer units, one of which is owner occupied</u>	<u>\$25.00 per multi-family home</u>

SECTION 4. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

SECTION 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 10th day of May, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 24th day of May, 2023, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

APPROVED:

MICHAEL SERRA, MAYOR

ATTEST:

ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK