

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2023-06**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO ADD NEW SECTION 12-7, ENTITLED “LIABILITY INSURANCE, BUSINESS AND RENTAL UNIT OWNERS” AND TO ADD A FEE PROVISION TO SUBSECTION 24-1.1, ENTITLED “MUNICIPAL CLERK”.

WHEREAS, N.J.S.A. 40A:10A-1, et seq., authorizes the governing body of every municipality to make, amend, repeal and enforce ordinances to require business owners and rental unit owners to maintain certain minimum levels of liability insurance;

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sussex in the County of Sussex, as follows:

SECTION 1. The Code of the Borough of Sussex is amended to add new Section 12-7, entitled “Liability Insurance, Business and Rental Unit Owners” of Chapter 12, entitled “Buildings and Housing”, which shall read as follows:

§ 12-7 Liability Insurance, Business and Rental Unit Owners

§ 12-7.1 Liability insurance, negligent acts, omission; business owners, rental unit, units owner.

- A. Except as provided in Paragraph B hereof, 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 once 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 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.

§ 12-7.2 Annual registration required; administrative fee

- A. The owner of a business, owner of a rental unit or units, and the owner of a multifamily home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance with the Borough Clerk.
- B. At the time of the filing of the certificate of insurance, an annual fee shall be paid to the Borough Clerk in an amount set forth in Section 24-1.1(f) of the Code.

§ 12-7.3 Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided for in Section 3-9.
- B. The Borough Council may collect, through a summary proceeding pursuant to NJSA 2A:58-10, et seq., a fine of not less than \$500 against an owner who fails to comply with the provisions of this chapter.

SECTION 2. Subsection 24-1.1, entitled “Municipal Clerk” of Chapter 24, entitled “Fees” is amended to add Paragraph (f) which shall read as follows:

- f. Annual registration fee for businesses, rental units, and/or multifamily homes of four or fewer units per Subsection 12-7.2: \$75

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall take effect after publication and passage according to law.

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed at the regular meeting of the Mayor and Council of the Borough of Sussex held at Borough Hall, 2 Main Street in the Borough of Sussex on February 21, 2023. The same came up for final adoption at the regular meeting of the Mayor and Council of the Borough of Sussex held at Borough Hall, 2 Main Street in the Borough of Sussex on March 7, 2023, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC