

ORDINANCE NO. RO-12-22

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF
WASHINGTON TO ADD A NEW CHAPTER 109 "BUSINESS INSURANCE
REGISTRATION"**

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, in order to ensure compliance with this new law, business owners and owners of multi-family rental units are required to annually register a certificate of insurance with the municipality where the business or rental unit is located; and

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

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. The Code shall be amended to add a new Chapter 109 entitled “Business Insurance Registration” to read as follows:

Chapter 109 Business Insurance Registration

§109-1. Insurance Coverage Required.

The owner of a business or the owner of a rental unit or units, other than a multifamily home as set forth in this Section 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.

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.

§109-2. Annual Registration Requirement.

Any owner of a business or rental unit(s) required to maintain insurance as set forth in Section 109-1 above, is required to register the certificate of such insurance coverage with the Township 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 Township.
- 3) On or before January 15 or each year following enactment of this Section.

A new certificate will be required annually for each calendar year. All certificates shall be renewed no later than January 15 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 Clerk.

§109-3 Definitions.

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.

MUNICIPAL INSURANCE REGISTRATION FORM

The registration form to be filed with the Municipal Clerk.

MUNICIPAL INSURANCE REGISTRATION CERTIFICATE

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

CERTIFICATE OF INSURANCE

The certificate of insurance form.

MUNICIPALITY

The Township of Washington.

§109-4 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 Township shall file a completed municipal insurance registration form and certificate of insurance with the 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.
- (8) The trade name or other business identification titles used by the owner.

C. The 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 §109-4(C), the municipal insurance registration certificate shall be issued along with a copy of the completed municipal insurance registration form with an acknowledgment by the Clerk that it has been properly filed.

§109-5 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 such 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.

§109-6 Changes in Businesses 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 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 Clerk within thirty (30) days of such event.

§109-7 Compliance with Applicable Laws and Ordinances.

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

§109-8. Registration Fee.

The annual fee for registration of the certificate of insurance pursuant to this Section shall be \$20.00, due at the time the certificate of insurance is to be registered with the Township Clerk.

§109-9. Violations.

If the owner of a business or rental unit(s) subject to the registration requirements of this Section 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 TWO. RENUMBERING. This Ordinance may be renumbered for codification purposes.

SECTION THREE. SEVERABILITY. The various parts, sections and clauses of

this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

SECTION FOUR. REPEALER. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of Washington Township held on October 17, 2022, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Washington Township Committee to be held on November 21, 2022 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Washington Township Municipal Building, 43 Schooley's Mountain Road, Long Valley, NJ 07853, at which time all persons interested may appear for or against the passage of said Ordinance.

Denean Probasco, RMC, Township Clerk

Matthew T. Murello, Mayor

Adopted:

Attest: I herein certify that the foregoing Ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on October 17, 2022.

Denean Probasco, RMC, Township Clerk