

ORDINANCE NO. 3658-23

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN, STATE OF NEW JERSEY TO ADD A NEW CHAPTER 48 ENTITLED INSURANCE - BUSINESSES AND RENTAL UNIT LIABILITY INSURANCE REGISTRATION

WHEREAS, on August 5, 2022, Governor Murphy signed into law P.L. 2022, c. 92, requiring business owners and rental unit owners to maintain certain liability insurance policies and register said insurance policies with the municipality in which the business or rental unit(s) are located.

WHEREAS, the Council of the Borough of Rutherford (the “Council”) desires to update its Code to be in accord with State laws and serve the best interests of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Rutherford, in the County of Bergen, State of New Jersey, that:

SECTION 1. Chapter 48, to be known as “Business and Rental Insurance Registration,” is hereby added of the Code of the Borough of Rutherford and shall read as follows:

§48-1 Intent.

It is the intention of this Chapter to comply with the requirements imposed upon the Borough by P.L. 2022, c. 92, which provides for the annual registration of certificates of insurance by business owners and the owners of rental units located in the Borough.

§48-2 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

Shall mean 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 REGISTRATION

Shall mean the certificate issued by the Municipal Clerk indicating compliance with the registration requirements of P.L. 2022, c. 92.

CERTIFICATE OF INSURANCE

Shall mean the certificate of insurance form submitted by each Business.

MUNICIPALITY

Shall mean the Borough of Rutherford.

§ 48-3 Insurance Requirements.

In accordance with and pursuant to P.L. 2022, c. 92, signed into law on August 5, 2022, owners of a business, rental unit(s), and/or multifamily homes of four or less units shall be required to have liability insurance as follows:

A. Owners of a business and/or rental unit(s) shall maintain a minimum of \$500,000.00 in liability insurance for negligent acts and omissions.

B. Owners of multifamily homes of four or less units, one of which is owner occupied, shall maintain a minimum of \$300,000.00 in liability insurance for negligent acts and omissions. A multifamily home of four or less which is not owner occupied are not exempt from showing proof of liability insurance, and they must obtain and register liability insurance of \$500,000.

C. The liability insurance for owners of a businesses, rental unit(s), and/or multifamily homes of four or less units, one of which is owner occupied, shall include, but is not limited to, coverage for property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§ 48-4 Annual Registration Requirements.

A. Any owner of a business or rental unit or unit required to maintain insurance as set forth in this chapter is required to annually file a copy of a certificate of insurance demonstrating compliance with P.L. 2022, c. 92 with the Municipal Clerk as follows:

- (1) Within thirty (30) days of the date this Ordinance takes effect;
- (2) Within thirty (30) days of the date of establishment of said business or rental unit (s) within the Borough of Rutherford;
- (3) On or before July 15 of each year following the enactment of this Ordinance.

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

C. Upon filing of an insurance certificate, the Municipal Clerk shall issue a certificate of registration to the owner stating the amount of coverage and the policy period of the insurance policy or policies evidenced by the certificate of insurance.

§ 48-5 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 registration form and obtain a separate certificate of insurance for each business.

B. In the event that the same owner conducts business at tow (2) or more locations, a separate business registration form shall be required for each location.

§ 48-6 Compliance with Applicable Laws and Ordinances

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

§48-7 Registration Fee. The filing fee to be paid for each certificate of insurance filed with the Municipal Clerk shall be the sum of one hundred dollars (\$100.00).

§48-8 Violation.

Any owner who fails to comply with this Chapter may be subject to a fine not less than \$500.00 but no more than \$5,000.00. The Code Enforcement Official may bring this action in Municipal Court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274 (N.J.S.A. 2A:5 8-10 et seq.), and any penalty monies collected shall be paid to the Borough of Rutherford.

§ 48-9 Effective Date

This Ordinance shall be effective upon proper passage and approval in accordance with the law.

SECTION 2

All ordinances or parts thereof inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

SECTION 3


Should any section, paragraph, clause of any other portion of this Ordinance be adjudged by a Court competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.


SECTION 4

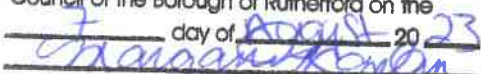
Unless modified or amended herein, the existing provisions of the Code of the Borough of Rutherford shall remain in full force and effect upon its passage and publication according to law.

ATTEST:

BOROUGH OF RUTHERFORD


Margaret M. Scanlon, Borough Clerk


Frank Nunziato, Mayor

I hereby certify that this is a true and exact copy of an ordinance adopted by the Mayor and Council of the Borough of Rutherford on the 23 day of August 2023

Margaret M. Scanlon
Borough Clerk