

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1993**

AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 4, GENERAL LICENSING, OF THE TOWNSHIP CODE TO ESTABLISH SECTION 4-11, BUSINESS INSURANCE REGISTRATION, AS REQUIRED BY STATE LAW

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, the Township of Mahwah has reviewed this recent legislation and determined that the Township 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 Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Municipal Code: Volume 1, Chapter 4, General Licensing, of the Township Code, is hereby amended to establish new Section 4-11, Business Insurance Registration, to read as follows:

§ 4-11 Business Insurance Registration

§ 4-11.1 Insurance Coverage Required.

- a. The owner of a business or the owner of a rental unit or units, other than a multifamily home as set forth in § 4-11.1b 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.
- 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 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.

§ 4-11.2 Annual Registration Requirement.

- a. Any owner of a business or rental unit(s) required to maintain insurance as set forth in this Section 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 of Mahwah.
 3. On or before January 15 or each year following enactment of this Ordinance.
- b. 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 Township Clerk.

§ 4-11.3 Definitions.

The following words and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, 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 Township Clerk.

MUNICIPAL INSURANCE REGISTRATION CERTIFICATE

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

CERTIFICATE OF INSURANCE

The certificate of insurance form.

MUNICIPALITY

The Township of Mahwah

§ 4-11.4 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 of Mahwah shall file a completed municipal insurance registration form and certificate of insurance with the Township 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.
 7. The trade name or other business identification titles used by the owner.
- c. The Township 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 § 4-11.4C, the municipal insurance registration certificate shall be issued along with a copy of the completed municipal insurance registration form with an acknowledgment by the Township Clerk that it has been properly filed.

§ 4-11.5 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.

§ 4-11.6 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 Township 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 Township Clerk within thirty (30) days of such event.

§ 4-11.7 Compliance with Applicable Laws and Ordinances.

Issuance of a municipal insurance registration certificate by the Township Clerk 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.

§ 4-11.8 Registration Fee.

The annual fee for registration of the certificate of insurance pursuant to this Section shall be \$25, due at the time the certificate of insurance is to be registered with the Township Clerk.

§ 4-11.9 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 2. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of the Ordinance.

SECTION 3. All ordinances or parts of ordinances of the Township of Mahwah that are inconsistent herewith are repealed to the extent of such inconsistency.

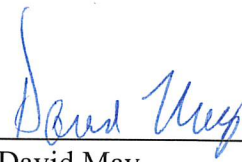
SECTION 4. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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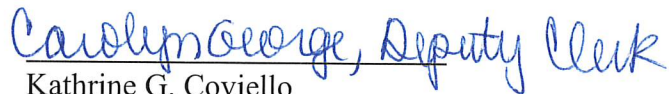
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Dated: December 1, 2022

Attest

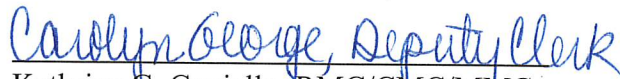


David May
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 10th day of November, 2022.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk