

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION**

ORDINANCE NO. 1680-23

Introduced: December 5, 2023

Adopted: December 19, 2023

NOTICE IS HEREBY GIVEN NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 19th day of December 2023. Copies of Ordinance 1680-23 are available by contacting the Borough Clerk or visiting our website at www.emersonnj.org.

**AN ORDINANCE TO ESTABLISH CHAPTER 125 OF THE CODE OF THE BOROUGH
OF EMERSON ENTITLED BUSINESS INSURANCE REGISTRATION,
AS REQUIRED BY NEW JERSEY PUBLIC LAW 2022 c. 92**

WHEREAS, on August 5, 2022, Governor Murphy signed Senate Bill 1368 into law as P.L. 2022 c. 92, 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 (the “Law”); 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 Borough of Emerson is desirous of establishing a business insurance registry as required by the Law.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Emerson, County of Bergen, State of New Jersey, as follows:

§ 125 BUSINESS INSURANCE REGISTRATION.

§ 125-1 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 Section 125-1b, 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.

§ 125-2 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 Borough Clerk as follows:
 1. Within 30 days of the date this section takes effect.
 2. Within 30 days of the date of establishment of said business or rental unit(s) within the Borough of Emerson.
 3. On or before January 31 of each year following enactment of this section.
- b. A new certificate will be required annually for each calendar year. All certificates shall be renewed no later than January 31 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.

§ 125-3 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.

CERTIFICATE OF INSURANCE

The certificate of insurance form submitted by business owner or owner of rental unit(s) evidencing liability insurance coverage amounts.

BUSINESS INSURANCE REGISTRATION CERTIFICATE

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

BUSINESS INSURANCE REGISTRATION FORM

The registration form to be filed with the Borough Clerk.

MUNICIPALITY

The Borough of Emerson.

§ 125-4 Licensing Two or More Businesses or Locations.

- a. In the event that two 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 or more locations, a separate business registration form and certificate shall be required for each location.

§ 125-5 Changes in Businesses or Locations or Owners.

Every owner having a business 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 Borough Clerk within 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 Borough Clerk within 30 days of such event.

§ 125-6 Compliance with Applicable Laws and Ordinances.

Issuance of a business insurance registration certificate by the Borough 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.

§ 125-7 Registration Fee.

There shall be no fee to obtain a business insurance registration certificate issued by the Borough Clerk.


§ 125-8 Violations.

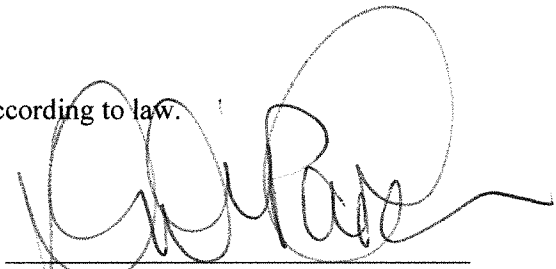
If the owner of a business or rental unit(s) subject to the registration requirements of this Chapter is found to be in violation of the provisions of this Chapter, a fine of not less than \$100 but no more than \$500 may be assessed against same through a summary proceeding in accordance with the provisions of in N.J.S.A. 2A:58-10 et seq.

§ 125-9 Effective.

This ordinance shall take effect upon passage and publication according to law.


ATTEST:


 Triessa DeSimone, Deputy Clerk


 Danielle DiPaola, Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
McGuire			✓			
Gordon		✓	✓			
Moore					✓	
Timmerman	✓		✓			
Argenzia					✓	
Rice					✓	

I hereby certify that the Ordinance No. 1680-23 was adopted by the Borough of Emerson at a meeting held on December 19, 2023.

Attest: 
 Deputy Clerk