

ORDINANCE NO. 1703

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING
CHAPTER 4 OF THE BOROUGH CODE OF THE BOROUGH OF
KEANSBURG, ENTITLED “GENERAL LICENSING AND BUSINESS
REGULATION”**

WHEREAS, pursuant to *N.J.S.A.* 40:48-1 and *N.J.S.A.* 40:48-2, the governing body of a municipality may make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and,

WHEREAS, in addition, *N.J.S.A.* 40:48-2.12(a) provides that the governing body of a municipality may make, amend and repeal and enforce ordinances to regulate buildings and structures and their use and occupation to prevent and abate conditions therein harmful to the health and safety of the occupants of said building and structures, as well as the general public in the municipality; and,

WHEREAS, the Legislature of the State of New Jersey adopted P.L. 2022, C. 1368, on August 5, 2022, and said law was signed by the Governor on August 8, 2022 mandating that businesses and residential rental units have premises liability insurance for negligent acts and omissions for such particular property and premises in amounts required therein; and,

WHEREAS, by such legislation, the Borough is mandated to enact an Ordinance to implement the said insurance requirements, provide for annual registration of certificates of insurance required by the said law, and maintain a registry of such certificates of insurance:

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keansburg, County of Monmouth, State of New Jersey that the Borough Code of the Borough of Keansburg is hereby amended, revised and supplemented as to Chapter 4 of the Borough Code, entitled “Business Regulations”, by more specifically adding a new Section entitled “Business and Residential Liability Insurance” to the Borough Code, which shall read as follows:

The Borough Code of the Borough of Keansburg is hereby amended as follows:

DELETE:

SECTION 4-2.6 In its entirety

ADD:

SECTION 4-2.6

Definitions.

Certificate of Insurance

A proof of current liability insurance insuring against negligent acts and omissions for a particular property and premises 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, is required issued by an insurance company and stating coverage for a particular property and premises.

Liability Insurance Required.

The owner of a business, business property, commercial property shall annually register a certificate of insurance with the Borough of Keansburg as follows:

- A) the owner of each operating business 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 one accident or occurrence
- B) the owner of each individual commercial property regardless of being vacant or occupied by a business entity, the owner of a business / commercial property 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 one accident or occurrence.

Fee For Business or Business Rental Insurance Registration.

The fee for obtaining a business or residential rental insurance registration certificate is Fifty Dollars (\$50.00).

Violations; Penalties.

- A) Any person, firm or corporation that shall be convicted of a violation of a provision of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to a fine not exceeding One Thousand (\$1,000) Dollars or imprisonment for a term not exceeding ninety (90) days, or both, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.
- B) The Borough may collect through a summary proceeding under N.J.S.A. 2A:58-10, et. seq. a fine of not less than Five Hundred (\$500.00) Dollars, but no more than Five Thousand (\$5,000.00) Dollars for failing to file with the Borough Clerk a certificate of insurance registration as required by P.L. 2022, C. 1368.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Keansburg, County of Monmouth, State of New Jersey that if any word, section, paragraph, subsection, clause and/or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall only apply to the word, section, paragraph, subsection, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective; and,

BE IT FURTHER ORDAINED that any ordinance or parts thereof in conflict with the

provisions of this Ordinance are repealed only to the extent of such conflict; and,

BE IT FURTHER ORDAINED that this Ordinance shall take effect following the adoption and approval in the time and manner prescribed by law, *N.J.S.A. 40A:60-6(b)(1)*, whereby the powers of the Borough Council permit that the Council may “pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law.”