

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 03-2023** - Ordinance of the Borough of Eatontown Entitled "**AN ORDINANCE REPEALING ORDINANCE 20-2022 REQUIRING THE OWNERS OF BUSINESSES IN THE BOROUGH TO REGISTER WITH THE BOROUGH CLERK AND PROVIDE PROOF OF LIABILITY INSURANCE**" was passed after a public hearing at the regular meeting of **1/25/2023** by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 03-2023

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE REPEALING ORDINANCE 20-2022 REQUIRING THE OWNERS OF BUSINESSES IN THE BOROUGH TO REGISTER WITH THE BOROUGH CLERK AND PROVIDE PROOF OF LIABILITY INSURANCE

WHEREAS on August 5, 2022, the New Jersey Legislature approved Bill S1368 (the "Legislation) requiring the owner of a business, rental unit(s), and/or multi-family homes of four or fewer units (collectively "Business and Rental Property Owner(s)") to maintain certain amounts of liability insurance; and

WHEREAS, the Legislation also requires that the impacted Business and Rental Property Owners to demonstrate that they have maintained the required insurance by annually registering their certificates of insurance with the municipality in which the business, rental property, or multi-family home is located; and

WHEREAS, in the absence of guidance from the State of New Jersey as to how municipalities should implement the Legislation and in an effort to comply with the provisions of the Legislation, the Borough Council adopted Ordinance 20-2022 on September 29, 2022 implementing the Legislation requiring businesses to register and provide proof of liability insurance with the Borough Clerk; and

WHEREAS, the implementation of the Legislation amounts to an unfunded mandate resulting in an immense administrative burden on the Borough and there have been numerous inquiries and nuances as to how the Legislation applies to certain businesses; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to repeal Ordinance #20-2022 until the State of New Jersey provides detailed guidance as to how municipalities should enforce the Legislation and to in the meantime alleviate the administrative burden on the Borough.

NOW THEREFORE, BET IT ORDAINED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby repeals Ordinance 20-2022 in its entirety amending Chapter 198 of the Borough Code, "Licensed Occupations", and Chapter 257 of the Borough Code, "Rental Properties", as follows:

[Underline is added and strike-out is deleted]

Chapter 198 Licensed Occupations.

§ 198-8 Registration of Certificates of Insurance.

~~A. The owner of a business located in the Borough shall annually register with the Office of the Borough Clerk the certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1. At the time of registration, the owner of the business shall pay an annual administrative fee in the amount of \$200.~~

~~B. Enforcement, violations and penalties.~~

~~(1) The Zoning Officer, or any other Borough officer designated by the Borough Administrator is hereby authorized and directed to enforce Section 198-8.~~

~~(2) The penalty for each violation of Section 198-8(A) shall be a minimum fine of \$500 and a maximum fine up to \$5,000, which the Borough may collect through a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et. seq.~~

Chapter 257 Rental Properties.

~~§ 257-6. Registration of Certificates of Insurance.~~

~~A. The owner of a rental unit or units, and the owner of a multi family home of four or fewer units, one of which is owner occupied, shall annually register with the Office of the Borough Clerk the certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1. At the time of registration, the owner of the business shall pay an annual administrative fee in the amount of \$200.~~

~~B. Enforcement, violations and penalties.~~

~~(1) The Zoning Officer, or any other Borough officer designated by the Borough Administrator may be and is hereby authorized and directed to enforce Section 198-8.~~

~~(2) The penalty for each violation of Section 257-6(A) shall be a minimum fine of \$500 and a maximum fine up to \$5,000, which the Borough may collect through a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et. seq.~~

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.