

ORDINANCE #2023-04

ORDINANCE OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II OF THE BOROUGH CODE OF THE BOROUGH OF SURF CITY ENTITLED "INSURANCE" TO ESTABLISH NEW ARTICLE IX ENTITLED "ANNUAL REGISTRATION OF CERTIFICATES OF INSURANCE" SO AS TO COMPLY WITH THE PROVISIONS OF P.L.2022, C.92 REQUIRING MUNICIPAL INSURANCE REGISTRATION FOR CERTAIN BUSINESS AND RENTAL OWNERS WITHIN THE BOROUGH

BE IT ORDAINED by the governing body of the Borough of Surf City, County of Ocean, and State of New Jersey as follows:

SECTION I. Chapter II of the Borough Code of the Borough of Surf City entitled "Insurance" is hereby amended and supplemented to create new Article IX entitled "Annual registration of certificates of insurance" which shall read as follows:

**ARTICLE IX
ANNUAL REGISTRATION OF CERTIFICATES OF INSURANCE**

80-1. Purpose.

The purpose of this Article is comply with the provisions of P.L.2022,c.92(C.40A:10A-1 et seq) (hereinafter "Act") requiring liability insurance for business owners and rental unit owners and to annually register the Certificate of Insurance demonstrating compliance with the Act with the municipality of which the business, rental units, or multi-family units are located.

80-2. Definitions.

CERTIFICATE OF INSURANCE – A document issued by an insurance company licensed to do business in the State of New Jersey including the policy holder's name, the address of the covered property, the policy effective and expiration dates, the type of coverage, the policy limits, the policy carrier and the names of any additionally insured parties.

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST SURF CITY ROAD
FORKED RIVER, N.J. 08731

80-3. Liability insurance for business owners and rental unit owners required.

The owner of a business or the owner of a rental unit, or units, within the Borough of Surf City shall maintain liability insurance for negligent acts and omissions for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence in accordance with the requirements of P.L.2022, c.92 (C.40A:10A-1), and in the amounts of coverage as set forth therein.

80-4. Certificate of insurance, annual registration required.

The owner of a business, a rental unit, or rental units, located in the Borough of Surf City shall annually, by January 1 of each year, register a Certificate of Insurance with the Municipal Clerk demonstrating compliance with the provisions of P.L.2022, c.92(C.40A:10A-1) for any business, rental units, or multi-family homes.

80-5. Registration fee.

Registration of a Certificate of Insurance is subject to a mandatory administrative fee of \$5.00 payable at the time of registration.

80-6. Violations and penalties.

- A. Any person violating or failing to comply with any provision of this article shall, upon conviction thereof, be punishable by a fine of no less than \$500 and no more than \$5,000, as determined in the discretion of the Municipal Court Judge.
- B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 2. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

SECTION 3. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

SECTION 4. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

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SECTION 5. This ordinance shall take effect after public reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of Surf City Borough on first reading at a meeting held on the 8th day of February 2023. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the 8th day of March 2023 at 7:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 813 Long Beach Boulevard, Surf City, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

CHRISTINE HANNEMANN,
Clerk/Administrator
Borough of Surf City

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