

**ORDINANCE 2023-3369**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**Ordinance Establishing Registry For Businesses And Rental Properties Within The Township Of Middletown**

**WHEREAS**, in accordance with N.J.S.A. 40A:10A-1, et seq., the owner of a business or the owner of a rental unit or units located within the Township of Middletown (the “Township”) are required to maintain liability insurance for negligent acts and omissions; and

**WHEREAS**, these insurance policies are required to be maintained in the amount of \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence, or in the amount of \$300,000 in the case of a multifamily home which is four or fewer units; and

**WHEREAS**, pursuant to N.J.S.A. 40A:10A-2(b), municipalities may, by ordinance, establish a reasonable administrative fee for the certificate of registration required to be established under this new State law; and

**WHEREAS**, these requirements may be enforced by the Township through summary proceedings authorized under N.J.S.A. 2A:58-10 et seq., with a fine of not less than \$500, but no more than \$5,000 against an owner who failed to comply with the provisions of this new State law.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Code of the Township of Middletown be and is hereby amended and supplemented, as follows:

**SECTION 1. Purpose.**

The purpose of this ordinance is to comply with the provisions of N.J.S.A. 40A:10A-1, et seq. imposed upon municipalities by the State, requiring municipalities to administer an insurance registration program imposed upon business owners and rental unit owners, requiring the annual registration of their Certificates of Insurance demonstrating sufficient liability insurance for negligent acts and omissions.

**SECTION 2. Definitions.**

**CERTIFICATE OF INSURANCE.** A document issued by an insurance carrier licensed to do business in the State of New Jersey including: (a) the policy holder’s name; (b) the address of the covered property; (c) the effective dates of the policy; (d) the type of coverage provided; (e) the policy limits; and (f) the names of any additionally insured parties.

**SECTION 3. Liability Insurance Required for Businesses and Rental Unit Owners.**

The owner of any business, or rental unit or units, within the Township shall maintain liability insurance for negligent acts and omissions for the combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence in the amounts established under N.J.S.A. 40A:10A-1.

**SECTION 4. Annual Registration of Certificate of Insurance.**

The owner of any business, or rental unit or units, shall annually, by January 1 of each calendar year, have registered a Certificate of Insurance with the

Township Clerk demonstrating compliance with the requirements of N.J.S.A. 40A:10A-1 for any business, or rental unit or units located within the Township.

## **SECTION 5. Administrative Fees.**

The annual administrative fees, payable at the time of registration, shall be:

- A. Individual Businesses: \$25.
- B. 1-20 Unit Rental Unit Owners: \$30.
- C. 21-150 Unit Rental Unit Owners: \$40.
- D. 151+ Unit Rental Unit Owners: \$50.
- E. For any 100% governmental or 501(c)(3) charitable entities: No Fee.
- F. Late filing fee if more than 10 calendar days after January 1, or annual renewal date, as applicable: \$50.

## **SECTION 6. Penalties.**

The Township may collect, through a summary proceeding pursuant to the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et seq.), a fine of \$500 against an owner who fails to comply with the provisions of N.J.S.A. 40A:10A-1, et seq., which shall apply as a separate offense for each property owned.

## **SECTION 7. Repealer.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

## **SECTION 8. Severability.**

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

## **SECTION 9. Effective Date.**

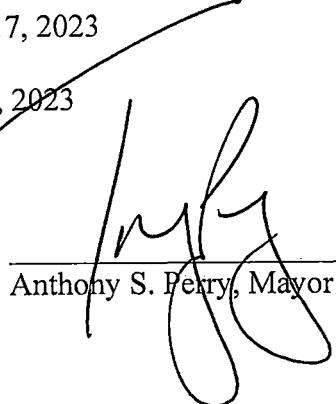
This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

PASSED ON FIRST READING:

April 17, 2023

PASSED AND APPROVED:

May 1, 2023

  
Anthony S. Perry, Mayor

ATTEST:

  
Heidi R. Brunt, Township Clerk