

TOWN OF NEWTON

ORDINANCE 2022-30

AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING CHAPTER 213 OF THE TOWN CODE OF THE TOWN OF NEWTON, ENTITLED "PROPERTY MAINTENANCE", MORE SPECIFICALLY ADDING A NEW ARTICLE V, ENTITLED "BUSINESS AND RESIDENTIAL RENTAL UNIT REGISTRATION AND LIABILITY INSURANCE"

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, the Town of Newton is authorized to regulate buildings used for sleeping, lodging, and occupancy for purposes including, but not limited to, boarding houses, rooming houses, rental housing, or other living units/arrangements, pursuant to N.J.S.A. 40:52-1 *et seq.*; 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 Town is mandated to enact an Ordinance to implement said insurance requirements and provide for annual registration of certificates of insurance required by said law;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town Code of the Town of Newton is hereby amended, revised, and supplemented as to Chapter 213 of the Town Code, entitled "Property Maintenance", by more specifically adding a new Article V entitled "Business and Residential Rental Unit Registration and Liability Insurance" to the Town Code, which shall read as follows:

§ 213 of the Town Code of the Town of Newton is hereby amended as follows:

Deletions shown by ~~strikeout~~; additions shown by underline.

ARTICLE V BUSINESS AND RESIDENTIAL UNIT REGISTRATION AND LIABILITY INSURANCE

§ 213-27 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business

Any person or entity 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

A proof of current liability insurance insuring against negligent acts and omissions for a particular property and premises in an amount required in Town Code § 213-29(A) or § 213-29(B) issued by an insurance company and stating coverage for a particular property and premises.

Owner

A person as defined in Town Code § 1-15 who owns, possesses, or has the right to control through any agency agreement any residential rental unit or units, or who owns or possesses a business which owns or possesses any residential rental unit or units.

Residential Rental Unit

Any single-family residence, apartment, studio, condominium, and/or other dwelling designed to be occupied by one or more persons and rented, leased and/or otherwise offered for use by other than the owner for one (1) or more nights in a Calendar Year.

§ 213-28 Annual Registration Of Businesses And Residential Rental Units.

All persons who own, possess, or control any business or residential rental unit or units located within the Town of Newton shall annually register each and every said business or residential unit or units with the Municipal Clerk of the Town of Newton in such form as may be required by the Town of Newton from time to time.

- A. All businesses or residential units shall be registered with the Municipal Clerk no later than February 25th of the first full Calendar Year after this Ordinance shall become effective. Thereafter, all businesses or residential units shall be registered with the Municipal Clerk no later than January 30th of each Calendar Year.
- B. The annual fee for registering as a business or as a residential rental unit owner with the Town of Newton is Two Hundred Dollars (\$200.00) per business or residential rental unit per year; provided however, that the registration fee for a new business or new residential rental unit which is registered after July 1st of its first Calendar Year registration shall be One Hundred Dollars (\$100.00) for the first part of a year.

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- C. A residential rental unit owner shall be required to register all residential units owned by that owner every year when registering as a residential unit owner with the Municipal Clerk.
- D. There shall be a late fee of Twenty-Five Dollars (\$25.00) for every registration which is submitted after January 30th of each Calendar Year.
- E. All residential rental units located in any residential setting which is regulated, registered, or otherwise subject to the jurisdiction of the New Jersey Department of Community Affairs Bureau of Housing Inspections are exempt from this requirement.

§ 213-29 Liability Insurance Required.

The owner of a business, owner of a rental unit or units, and/or the owner of a multi-family home of four (4) or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating a certificate of insurance with the Town of Newton as follows:

- A. Except as provided in subsection B of this section, the owner of a business or the owner of a rental unit or units 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 a multifamily home which is four (4) or fewer units, one (1) of which must be 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 (1) or more persons in any one (1) accident or occurrence.

§ 213-30 Fee For Business Or Residential Rental Insurance Certificate.

- A. The Municipal Clerk shall issue a business or residential insurance certificate to all duly registered businesses and/or residential rental unit owners upon submission of a completed registration form and payment of the required fee or fees.
- B. The fee for obtaining a business or residential rental insurance certificate from the Town of Newton is Fifty Dollars (\$50.00).

§213-31 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 Dollars (\$1,000.00) 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.

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B. The Town 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 Dollars (\$5,000.00) for failing to file with the Municipal Clerk a certificate of insurance registration as required by P.L. 2022, C. 1368.

Section 2. The Town Manager, Municipal Clerk, and any and all other Town officials, are hereby directed and authorized to perform all acts necessary to effectuate the purposes of this Ordinance.

Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

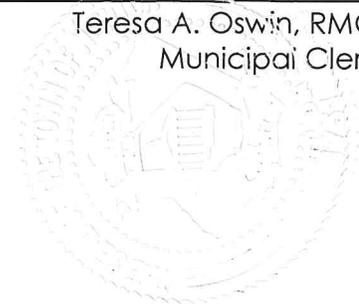
Section 5. This Ordinance will take effect after passage and publication according to law.

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, November 28, 2022. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on Monday, December 12, 2022, in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.



Teresa A. Oswin, RMC
Municipal Clerk



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