

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-444-23**

**RESOLUTION BY: COUNCILWOMAN PELLEGRINE  
SECONDED BY: COUNCIL PRESIDENT BALISTRIERI**

**INTRODUCE ORDINANCE #23-40  
SECOND READING**

**WHEREAS**, a public notice has been given by the Borough Clerk that an ordinance entitled:

**AN ORDINANCE AMENDING THE BOROUGH CODE AND ALL  
GENERAL ORDINANCES OF THE BOROUGH; MORE SPECIFICALLY,  
CREATING AND ESTABLISHING UNDER CHAPTER 33 NEW  
ORDINANCE INTITLED “BUSINESS AND RENTAL INSURANCE  
REGISTRATION” TO PERMIT, REQUIRE AND REGULATE THE  
PRODUCTION OF INSURANCE CERTIFICATES**

was introduced and passed at a meeting held on Thursday, November 9, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

**WHEREAS**, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

**AN ORDINANCE AMENDING THE BOROUGH CODE AND ALL  
GENERAL ORDINANCES OF THE BOROUGH; MORE SPECIFICALLY,  
CREATING AND ESTABLISHING UNDER CHAPTER 33 NEW  
ORDINANCE INTITLED “BUSINESS AND RENTAL INSURANCE  
REGISTRATION” TO PERMIT, REQUIRE AND REGULATE THE  
PRODUCTION OF INSURANCE CERTIFICATES**

pass on final reading.

APPROVED: December 21, 2023

\_\_\_\_\_  
Robert Colletti, Mayor

ATTEST: \_\_\_\_\_

Shanee Morris, RMC, CMR  
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Dennis	X				Pellegrine	X			
Fasolo				X	Sheridan	X			
Golabek	X				Balistrieri	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December 2023. Signed and sealed before me.

\_\_\_\_\_  
Shanee Morris, RMC, CMR  
Acting Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 23-40**

---

**AN ORDINANCE AMENDING THE BOROUGH CODE AND ALL GENERAL  
ORDINANCES OF THE BOROUGH; MORE SPECIFICALLY, CREATING AND  
ESTABLISHING UNDER CHAPTER 33 NEW ORDINANCE INTITLED “BUSINESS  
AND RENTAL INSURANCE REGISTRATION” TO PERMIT, REQUIRE AND  
REGULATE THE PRODUCTION OF INSURANCE CERTIFICATES**

**INTENT**

It is the intention of this chapter to comply with the requirements imposed upon the Borough by the laws of the state of New Jersey more specifically N.J.S.A. 40A:10A-2 which requires for the annual registration of certificates of insurance by business owners and the owners of rental units located in the Borough.

**WHEREAS**, The State of New Jersey legislature and the Governor signed into law P.L. 2022. C. 92 instituting a new minimum liability insurance requirement for owners of businesses and rental units whether residential or non-residential.; and

**WHEREAS**, Such owners will be required to annually register the certificate of insurance in the municipality where the business or rental unit is located.; and

**WHEREAS**, The Borough of Elmwood Park is required to adopt an ordinance implementing said legislation.

**NOW BE IT ORDAINED AND RESOLVED**, That the Mayor and Council do hereby create and establish by way of adoption of this Ordinance amending the Borough Code to utilize the reserved Chapter 33 which will be amended to be known as the “Business and Rental Unit Liability Insurance”.

**33-1. Business and Rental Unit Liability Insurance**

**33-1.1 Insurance requirements.**

Owners of a business, rental unit(s), and/or multifamily homes of four or less units shall be required to have liability insurance as follows:

- A. Owners of a business and/or rental unit(s) shall maintain a minimum of \$500,000 in liability insurance for negligent acts and omissions.
- B. Owners of multifamily homes of four or less units, one of which is owner occupied, shall maintain a minimum of \$300,000 in liability insurance for negligent acts and omissions. A multifamily home of four or less which is not owner occupied are not exempt from showing proof of liability insurance, and they must obtain and register liability insurance of \$500,000.
- C. The liability insurance for owners of a businesses, rental unit(s), and/or multifamily homes of four or less units, one of which is owner occupied, shall include, but is not limited to, coverage for property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

**33-1.2. Annual registration requirements.**

- A. Any owner of a business or rental unit or unit required to maintain insurance as set forth in this chapter is required to annually file a copy of a certificate of insurance demonstrating compliance with P.L. 2022, c. 92, with the Borough Clerk as follows:

- (1) Within 30 days of the date this chapter takes effect;
- (2) Within 30 days of the date of establishment of said business or rental unit (s) within the Borough of Elmwood Park;
- (3) On or before January 15 of each year following the enactment of this chapter.

- B. A new certificate will be required annually for each calendar year. All certificates shall be renewed no later than January 15 of each calendar year.
- C. Upon filing of an insurance certificate, the Borough Clerk shall issue a certificate of registration to the owner stating the amount of coverage and the policy period of the insurance policy or policies evidenced by the certificate of insurance.

**33-1.3 Licensing two or more businesses or locations.**

- A. In the event that two or more businesses occupy the same location, the owner shall be required to complete a separate municipal registration form and obtain a separate certificate of insurance for each business.
- B. In the event that the same owner conducts business at two or more locations, a separate business registration form shall be required for each location.

**33-1.4 Compliance with applicable laws and ordinances.**

- A. Issuance of a municipal insurance registration certificate by the Borough Clerk does not evidence compliance with any other applicable rules, regulations, ordinances, and statutes of the municipality, County or State of New Jersey, or any other regulatory agencies having jurisdiction.

**33-1.5 Registration fee.**

- A. The filing fee to be paid for each certificate of insurance filed with the Borough Clerk shall be the sum of \$100.

**33-1.6 Violations and penalties.**

- A. Any owner who fails to comply with this chapter may be subject to a fine not less than \$500 but no more than \$5,000. The Code Enforcement Official may bring this action in Municipal Court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274 (N.J.S.A. 2A:5 8-10 et seq.), and any penalty monies collected shall be paid to the Borough of Elmwood Park.

**BE IT FURTHER ORDAINED AND RESOLVED,** That the Mayor and Council do hereby amend the Borough Code of the Borough of Elmwood Park to create and establish this new division known as the "Business and Rental Unit Liability Insurance" by amend and supplement the Code more specifically section 33 (reserved) to be entitled "Business and Rental Unit Liability Insurance" of the Borough of Elmwood Park."

**SECTION 2.** In the event any section, part, or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

**SECTION 3.** All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

**SECTION 4.** This Ordinance shall take effect immediately upon its final passage and publication as required by law.

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Shanee Morris, RMC, CMR  
Acting Borough Clerk

Robert Colletti, Mayor

Introduced: November 9, 2023

Adopted: December 21, 2023