

ORDINANCE #1064

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 158 "BUSINESS LICENSING" OF THE CODE OF THE BOROUGH OF OCEANPORT TO IMPLEMENT REQUIREMENTS OF THE NEW JERSEY ACT REQUIRING LIABILITY INSURANCE FOR BUSINESS OWNERS AND RENTAL UNIT OWNERS PURSUANT WITH TITLE 40A OF THE NEW JERSEY STATUTES

WHEREAS, the Borough of Oceanport requires all businesses operating within the boundaries of the Borough of Oceanport to obtain a Business License; and

WHEREAS, pursuant with P.L. 2022, CHAPTER 92 and N.J.S.A. 40A:10A-1 and 40A:10A-2, the municipality is required to implement by ordinance the Act requiring business owners and rental unit owners to maintain certain liability insurance policies; and

WHEREAS, P.L. 2022, C. 92, provides for the charge of a fee for the administration of this requirement which the Borough has determined to set through an increase in the business license fee,

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oceanport that the following amendments to Chapter 158 Business Licensing be made:

§ 158-1. License required.

It shall be unlawful for any person, firm or corporation to maintain an office or place of business or to conduct, engage in or carry on any business, trade or occupation within the Borough of Oceanport without first complying with the provisions of this chapter and obtaining a license therefor as provided herein.

§ 158- . General liability insurance required.

A. Minimum limits of general liability insurance

The owner of a business 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. Proof of general liability insurance required.

The owner of a business shall annually register the certificate of insurance demonstrating compliance with section A of this chapter with the municipality in which the business is located. A reasonable administrative fee for the certificate of registration required pursuant to subsection a. of this section for properties located in that municipality shall be incorporated into the business license fee.

§ 158-2. __. Application.

A. Application for a license shall be made to the Borough Clerk within 30 days after the effective date of this chapter. All such applications shall be made in writing and shall contain the following information:

- (1) The name of the applicant; if a corporation, the names and addresses of the president and secretary shall be set forth; if a partnership, the names and addresses of all partners shall be set forth.
- (2) The name under which the business is to be conducted.
- (3) The present residence of the applicant.
- (4) The address at which the business is to be conducted.
- (5) The specific nature of the business.
- (6) The residence of the applicant during the past five years.
- (7) Whether or not the applicant has ever had a license to conduct the business herein described denied or revoked. If such license has been denied or revoked, the applicant shall set forth in detail the facts leading to such denial or revocation.
- (8) The details of any conviction for crimes of the first, second, third or fourth degree, the date of the conviction and the place where said conviction was obtained.
- (9) The business telephone number of the applicant.
- (10) If a corporation, the name and address of the registered agent thereof.

B. Prior to the issuance of a license, the Borough Clerk, in his/her discretion, shall have the authority to cause a routine police

check to be made of the applicant to verify the validity of such information.

C. The applicant shall certify that it supplies the information knowing the Borough of Oceanport shall rely thereon in issuing a license, and the applicant further agrees to comply with all laws and ordinances of the Borough applicable to the operation of said business.

D. The application shall be made upon forms supplied by the Borough Clerk.

E. Commercial landscapers may not operate within the Borough of Oceanport without first procuring a business license to be issued by the Borough Clerk in accordance with the provisions of this chapter. There shall be no restriction on the number of such licenses which may be issued.

§ 158-6. Fees; special registration; veteran's exemption.

A. The license fee is to be paid annually. All businesses, trades and occupations conducted within the Borough of Oceanport shall pay a license fee of ~~\$25~~\$50 for each year, or part thereof, in which they shall operate said business.

B. The Borough Clerk may issue a special registration certificate and authorize the waiver of the payment of license fees or other charges to public, charitable, educational, literary, fraternal, religious, military or other nonprofit enterprise for a public, charitable, educational, literary, fraternal, religious or other similar purpose. However, the applicant shall submit the usual application form in the manner required by this chapter and shall operate in accordance with all other requirements.

C. Any person holding a valid license issued by the Monmouth County Clerk in accordance with the provisions of N.J.S.A. 45:24-9 shall be exempt from the payment of any fees required by this chapter. This exemption shall only apply to the payment of fees and shall not exempt the holder of any such license from the obligation to register in accordance with the requirements of this chapter.

§ 158-7. Renewal.

Prior to ~~November~~December 1 of each year, the Borough Clerk shall mail, either by electronic means or postal service, to all valid licensees of the Borough a statement of the time of expiration of the license currently held by the licensee, directions for accessing and completing renewal application and specify the amount of the renewal fee. However, the failure of the Borough Clerk to send out such notice or the failure of the licensee to receive it shall not excuse a licensee for failing to obtain a mercantile license, nor shall it be a defense in an action for operating without having received a valid license.

§ 158-44. Enforcement.

The primary party responsible for the enforcement of this chapter and the issuance of a complaint for any violation thereof shall be the ~~Zoning Officer~~ Code Enforcement Officer of the Borough. However, the Construction Official, Zoning Officer or any other Borough official or police officer shall also be authorized to issue a complaint for any violation of this chapter.

§ 158-42. Violations and penalties.

Any person, firm, association or corporation violating any section of this chapter shall, upon conviction in the Municipal Court, be subject to a fine of \$500 but not more than \$5,000. Each day after the initial violation shall be considered a new and individual violation.

APPROVED ON FIRST READING

DATED: December 1, 2022

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: December 15, 2022

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor