

**TOWNSHIP OF WATERFORD**

**ORDINANCE NO. 2023-5**

**ORDINANCE OF THE TOWNSHIP OF WATERFORD AMENDING AND SUPPLEMENTING CHAPTER 220 OF THE TOWNSHIP CODE CAPTIONED “PROPERTY MAINTENANCE” REGARDING REQUIREMENTS FOR INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS**

**WHEREAS**, Pursuant to PL 2021,c. 182, all municipalities are now required to inspect every single-family, two-family and multiple dwelling rentals located within the Township of Waterford on a recurring basis and at tenant turnover for lead-paint hazards; and

**WHEREAS**, since this is a requirement imposed on all municipalities, it is necessary for the Township of Waterford to amend Chapter 220 of the Township Code captioned “Property Maintenance” to require these inspections to comply with the law.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

**Section 1** The statements in the Preamble are hereby incorporated by reference herein.

**Section 2.** Chapter 220 of the Waterford Township Code captioned “Property Maintenance” is hereby amended and supplemented as follows:

**Section 3. Definitions.** The definitions shall apply to this article:

**ACT**

The Lead Hazard Control Assistance Act, P.L.2003, c311 (N.J.S.A. 52:27D-437.1, et seq.), as may be amended from time to time.

**COMMON INTEREST COMMUNITY**

A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

**DUST WIPE SAMPLING**

A sample collected by wiping a representative surface and tested in accordance with a

method approved by the United States Department of Housing and Urban Development.

**LEAD INSPECTOR**

A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1, et seq. This includes the ability to perform dust wipe sampling.

**LEAD-BASED PAINT HAZARD**

Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

**LEAD-FREE CERTIFICATION**

A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

**LEAD-SAFE CERTIFICATION**

A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two (2) years from the date of issuance.

**TENANT TURNOVER**

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

**VISUAL ASSESSMENT**

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

**VISUAL ASSESSOR**

A person that is certified to perform a visual assessment .

**Section 4.** Lead-Based Paint Inspections.

A. Pursuant to P.L. 2021, c. 182 the Township of Waterford is required to inspect every single-family, two-family and multiple rental dwellings built prior to 1979 for lead based paint hazards through a visual assessment or a dust wipe sampling. The owner and/or landlord, in lieu of having the dwelling inspected by the Township's lead inspector, may directly hire a private lead inspector to perform the lead-based paint inspection. All inspections will otherwise be performed by the Township's lead inspector

B. Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family and multiple dwelling units offered for rental shall be required to obtain this inspection of the unit for lead-based paint hazards within two (2) years of the effective date of the above law, July 2, 2022, or upon tenant turnover, whichever is earlier.

C. Required Recurring Inspection. After the initial inspection required, the owner, landlord and/or agent of each dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years or, as soon as there is any tenant turnover, whichever is earlier, except that an inspection on tenant turnover shall not be required if the owner has a valid lead-safe certification issued by an appropriate authority and provides a copy to the Township.

Whenever there is a tenant turnover in a single family, two family or multiple dwelling rental unit, the owner or landlord or agent shall have seven (7) business days to notify the Township of the turnover and if it will perform the lead-based test inspection and provide the required Certification to the Township. Occupancy or continued occupancy of the dwelling unit is not permitted until the inspection is completed and the Certificate issued.

D. Standards. Inspections for lead-based paint in rental dwelling unit shall be covered by the standards set forth in N.J.S.A. 52:27D-437.1, et seq and N.J.S.A. 55:13A-1, et seq as same may be amended from time to time.

E. Exceptions. A dwelling unit in a single family, two-family or multiple rental dwelling shall not be subject to the inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection, or evaluation, if the unit:

1. has been properly certified to be free of lead-based paint and a copy provided to the Township;
2. was constructed during or after the year 1978 with proof of same provided to the Township;

3. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead-based paint violations from the most recent cyclical inspections performed on the multiple dwelling under the Hotel and Multiple Dwelling Law N.J.S.A. 55:13A-1, et seq. , with Proof of Registration provided to the Township;
4. has been issued a valid Safe Certification issued in accordance with N.J.S.A. 52:27D-437.16(d)2, and a copy provided to the Township.

F. Remediation. If lead-based paint hazards are identified, then the owner of the dwelling shall be required to remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or designee or the owners private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which Certification shall be valid for two (2) years and shall be filed with the Township's Code Enforcement Officer or designated Township employee. The Township Code Enforcement Officer or designated Township employee shall maintain up to date information on inspection schedules, inspection results, and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

G. Property Owner Certification. In accordance with N.J.S.A. 52:27D-437.16(e), all property owners shall:

1. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Waterford at the time of the cyclical inspection;
2. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's lease;



3. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

H. FEES.

1. The fee for a visual inspection shall be \$150.00. To the extent further inspection is required, a dust wipe inspection fee shall be assessed on the Schedule attached hereto (by an approved DCA Lead Inspector for each individual dwelling unit). All fees shall be dedicated to meet the cost of implementing this Ordinance and not used for any other purpose. Said fee shall be dedicated to meet the cost of implementing and enforcing this Ordinance and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the inspection requirements set forth in this Ordinance in which case no additional lead-based paint inspection fee shall be assessed.

2. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.00;

3. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the Homeowner Association, unless the Association is the owner of the unit.

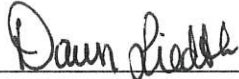
I. VIOLATIONS AND PENALTIES. In accordance with N.J.S.A. 52:27D-437.17, the penalties for a violation of this article shall be as follows:

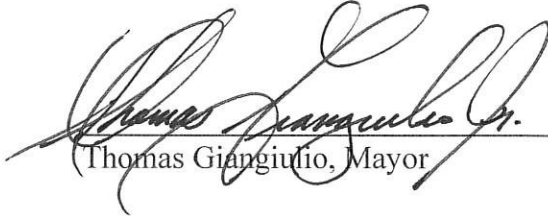
Where a property owner has failed to conduct the inspection or initiate any remediation efforts, the owner shall be given thirty (30) days to cure the violation. If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed One Thousand Dollars (\$1,000.00) per week until the required inspection has been completed.

**Section 5.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

**Section 6.** All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 7.** This Ordinance shall only take effect after final adoption and publication as required by law.

  
 Dawn Liedtka, RMC / CMR Clerk

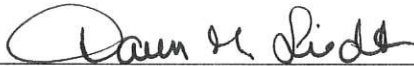
  
 Thomas Giangiuolo, Mayor

Intro: February 22, 2023  
 Public Hearing: March 8, 2023  
 Adopted: March 8, 2023

UPON INTRODUCTION ON FEBRUARY 22, 2023					
	Jones-Freitag	Thompson	Wade	Yeatman	Giangiuolo
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					
UPON ADOPTION ON MARCH 8, 2023					
	Jones-Freitag	Thompson	Wade	Yeatman	Giangiuolo
YES		X	X	X	X
ABSTAIN					
NO					
ABSENT	X				

**CERTIFICATION**

I, Dawn Liedtka, Clerk of the Township of Waterford, Camden County, New Jersey, do hereby certify the foregoing to be true and exact copy of the Ordinance which was finally adopted by the Mayor and Township Committee of the Township of Waterford at a Meeting held on the 8<sup>th</sup> day of March, 2023.

  
 Dawn Liedtka, RMC / CMR Clerk