

Egg Harbor Township

Ordinance No. 23

2023

An ordinance to amend the Code of the Township of Egg Harbor, specifically Chapter 155 entitled “Motels” by adding a new Article III entitled “Lead-Based Hazard Inspection Requirements for Rental Dwellings”

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, in the County of Atlantic, New Jersey as follows:

SECTION 1. Chapter 155 entitled “**Motels**” of the Code of the Township of Egg Harbor is hereby amended by changing the title of Chapter 155 to “**Motels and Rentals**”.

SECTION 2. Chapter 155 “**Motels and Rentals**” of the Code of the Township of Egg Harbor is hereby amended through the addition of new **Article III** entitled “**Lead-Based Hazard Inspection Requirements for Rental Dwellings**” as follows:

Article III **Lead-Based Hazard Inspection Requirements for Rental Dwellings**

§155-19 Definitions.

The following definitions shall apply to this article:

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 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.

§155-20. Lead-based paint inspection.

- A. A lead inspector shall inspect every single-family, two-family, and multiple rental dwelling located within the Township of Egg Harbor for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.
- B. The property owner or landlord may, in lieu of having the dwelling inspected by the Township's authorized lead inspector, directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
 - (1) Has been certified to be free of lead-based paint;
 - (2) Was constructed during or after 1978;
 - (3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law;^[1]
 - (4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 - (5) Has a valid lead-safe certification.
- D. If lead-based paint hazards are identified, then the owner of the dwelling shall 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's lead inspector or visual assessor, as may

[1]Editor's Note: See N.J.S.A. 55:13A-1 et seq.

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.

- E. If no lead-based paint hazards are identified, then the Township's authorized lead inspector or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.
- F. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:
 - (1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Egg Harbor 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 or tenants' 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.
- G. The fees for a lead-based paint inspection shall be as follows:
 - (1) The fee for a visual assessment inspection performed by the Township's authorized lead inspector shall be \$375.00 a unit.
 - (2) The fee for a dust wipe sampling inspection performed by the Township's authorized lead inspector (included up to 10 samples) shall be \$515.00 per unit.
 - a. An XRF (X-Ray Fluorescence) inspection is available to requesting party for an additional \$195.00 per unit. An XFR inspection will allow a dwelling unit to be certified lead -based free and become exempt from the regulation forever. *A Lead Free Certificate will only be issued if no lead-based paint is found.
 - b. In the event of an emergency the fee to be charged will be on a case-by-case basis.

§155-21. Violations and penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this section shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- B. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts.

SECTION 3. All ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EGG HARBOR, IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, HELD JUNE 14, 2023, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON JULY 19, 2023 AT 5:30 P.M.

Dated: June 14, 2023

Eileen M. Tedesco, RMC
Township Clerk