

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 22-26**

1st Reading 11-22-22

Date to Mayor \_\_\_\_\_

2nd Reading &  
Public Hearing \_\_\_\_\_

Date Returned \_\_\_\_\_

Date Adopted:  
\_\_\_\_\_

Date Resubmitted to Council \_\_\_\_\_

Approved as to Form of Legality

Effective Date:  
\_\_\_\_\_

\_\_\_\_\_  
Township Attorney

**AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY OF THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER,  
TO ADD ARTICLE III, LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS**

First Reading

| MEMBER               | AYE | NAY | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------------|-----|-----|--------|---------|------|--------|
| <b>Baxter</b>        | X   |     |        |         |      |        |
| <b>Keyes-Maloney</b> | X   |     |        |         |      |        |
| <b>Schroth</b>       | X   |     |        |         | X    |        |
| <b>Wollert</b>       | X   |     |        |         |      | X      |
| <b>Steward</b>       | X   |     |        |         |      |        |

Second Reading

| MEMBER               | AYE | NAY | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------------|-----|-----|--------|---------|------|--------|
| <b>Baxter</b>        |     |     |        |         |      |        |
| <b>Keyes-Maloney</b> |     |     |        |         |      |        |
| <b>Schroth</b>       |     |     |        |         |      |        |
| <b>Wollert</b>       |     |     |        |         |      |        |
| <b>Steward</b>       |     |     |        |         |      |        |

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Mayor

Reconsidered  
By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Municipal Clerk

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO 22-26**

**AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ADD ARTICLE III, LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS**

**WHEREAS**, on July 22, 2021, New Jersey Governor Philip Murphy signed into law P.L.2021, c.182 (S1147/A1372), amending and supplementing the Lead Hazard Control Assistance Act (the "Act"), P.L.2003, c311 (N.J.S.A. 52:27D-437.1, et seq.); and

**WHEREAS**, the amendments will require the owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the Township of Ewing (the "Township") to cause their property to be inspected for lead-based paint hazards, through visual assessment and dust wipe sampling in accordance with the Act; and

**WHEREAS**, inspections shall be performed by either the Township's lead inspector or, in lieu of having the dwelling inspected by the Township's lead inspector, the owner and/or landlord may directly hire a private lead inspector to perform the lead-based paint inspection; and

**WHEREAS**, Mayor Bert H. Steinmann signed Executive Order No. \_\_\_\_ establishing these lead-based paint hazard inspection requirements pending final adoption of an ordinance codifying the same.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

**Section 1** Chapter 284, RENTAL PROPERTY, Article III, LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS is hereby added as follows:

**§ 284-16 Definitions.**

The following 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.

## **§ 284-17 Lead-based paint inspection.**

A. The owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the Township of Ewing shall cause their property to be inspected for lead-based paint hazards, through visual assessment and dust wipe sampling in accordance with the Act. 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. An initial inspection for lead-based paint hazards shall occur before July 22, 2024, or at tenant turnover, whichever is earlier. Thereafter, all such dwelling units shall be inspected at tenant turnover, or every three (3) years, whichever is earlier.

C. In accordance with the Act, 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 ten (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, P.L.1967, c. 76 (N.J.S.A. 55:13A-1, *et seq.*);

(4) is a single-family or two-family seasonal rental dwelling which is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals; or

(5) has a valid lead-safe certification issued in accordance with this article.

D. If lead-based paint hazards are identified upon inspection, the owner and/or landlord of the dwelling unit, at his or her own cost, shall remediate the hazards through abatement or lead-based paint hazard control mechanisms, approved in accordance with the Act. Upon the remediation of the lead-based paint hazard, the Township's lead inspector or the owner and/or landlord's private lead inspector, shall conduct an additional inspection of the dwelling unit to certify that the hazard no longer exists.

E. If no lead-based paint hazards are identified, then the Township's lead inspector or the owner and/or landlord'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 (2) years.

F. In accordance with the Act, the owner and/or landlord of every single-family, two-family, and multiple rental dwelling located within the Township shall:

(1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township 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(s) of the dwelling unit's tenant(s) if the inspection was conducted during a period of tenancy.

G. The fees for a lead-based paint inspection performed by the Township's lead inspector shall be as follows:

(1) The fee for a visual assessment and dust wipe sampling inspection shall be \$650.00 per individual dwelling unit. To the extent further inspection is required, the fee shall be \$1,200.00 per individual dwelling unit.

(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 individual unit owner and not the homeowner's association, unless the association is the owner of the unit.

(4) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Township's lead inspector or the owner and/or landlord's private lead inspector shall be assessed for the purposes of the Act, unless the owner and/or landlord demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

#### **§ 284-18 Violations and penalties.**

In accordance with the Act, the penalties for a violation of this article shall be as follows:

A. If an owner and/or landlord has failed to conduct the required inspection or initiate any remediation efforts, the owner and/or landlord shall be given thirty (30) days to cure the violation.

B. If the owner and/or landlord has not cured the violation after thirty (30) days, the owner and/or landlord shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

**Section 2** Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

**Section 3** Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

**Section 4** Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 22-27**

1st Reading 11-22-22 Date to Mayor \_\_\_\_\_  
 2nd Reading & Public Hearing \_\_\_\_\_ Date Returned \_\_\_\_\_  
 Date Adopted: \_\_\_\_\_ Date Resubmitted to Council \_\_\_\_\_  
 \_\_\_\_\_ Approved as to Form of Legality  
 Effective Date: \_\_\_\_\_ Township Attorney \_\_\_\_\_

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AUTHORIZE THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, SPECIFICALLY FIRE EQUIPMENT, TO THE 911 FUND, INC., A 501(c)(3) NON-PROFIT ORGANIZATION

**First Reading**

| MEMBER               | AYE | NAY | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------------|-----|-----|--------|---------|------|--------|
| <b>Baxter</b>        | X   |     |        |         |      |        |
| <b>Keyes-Maloney</b> | X   |     |        |         | X    |        |
| <b>Schroth</b>       | X   |     |        |         |      | X      |
| <b>Wollert</b>       | X   |     |        |         |      |        |
| <b>Steward</b>       | X   |     |        |         |      |        |

**Second Reading**

| MEMBER               | AYE | NAY | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------------|-----|-----|--------|---------|------|--------|
| <b>Baxter</b>        |     |     |        |         |      |        |
| <b>Keyes-Maloney</b> |     |     |        |         |      |        |
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| <b>Wollert</b>       |     |     |        |         |      |        |
| <b>Steward</b>       |     |     |        |         |      |        |

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
 Mayor

Reconsidered  
 By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
 President of the Council

\_\_\_\_\_  
 Municipal Clerk

TOWNSHIP OF EWING  
ORDINANCE NO. 22-27

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AUTHORIZE THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, SPECIFICALLY FIRE EQUIPMENT, TO THE 911 FUND, INC., A 501(c)(3) NON-PROFIT ORGANIZATION

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WHEREAS, the Township Council determines that the following personal property owned by the Township, consisting of fire equipment is no longer needed for municipal purposes by Fire Station 30:

- [1] 1 Honeywell Turnout Jacket
- [2] 4 Morning Pride Turnout Pants
- [3] 5 Morning Pride Turnout Jackets
- [4] 3 InnoTex Turnout Jackets
- [5] 3 InnoTex Turnout Pants

WHEREAS, pursuant to N.J.S.A. 40A:12-21.1, the Township Council authorizes the private sale of such personal property for nominal consideration to any organization listed in N.J.S.A. 40A:12-21; and,

WHEREAS, The 911 FUND, Inc. is an approved 501(c)(3) not-for-profit charity (federal tax ID #20-2057218) created in the aftermath of September 11th, 2001 and conceived by former members of the Fire Department of the City of New York ("FDNY") to build preparedness, reduce risk, enhance civilian safety, and minimize property loss from fire and other types of disasters; and,

WHEREAS, pursuant to N.J.S.A. 40A:12-21(k), The 911 FUND, Inc. meets the definition of an organization to which municipalities may make private sales of personal property for nominal consideration.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ewing, as follows:

Section 1.

The following personal property owned by the Township of Ewing, consisting of fire equipment, which is no longer needed for municipal purposes by Fire Station 30:

- [1] 1 Honeywell Turnout Jacket
- [2] 4 Morning Pride Turnout Pants
- [3] 5 Morning Pride Turnout Jackets
- [4] 3 InnoTex Turnout Jackets
- [5] 3 InnoTex Turnout Pants

shall be sold pursuant to N.J.S.A. 40A:12-21.1 and N.J.S.A. 40A:12-21(k) to The 911 FUND, Inc., which is an approved 501(c)(3) not-for-profit charity (federal tax ID #20-2057218) for a nominal consideration of \$1.00.

Section 2.

This Ordinance shall take effect as provided by law.

STATEMENT

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to authorize the private sale of fire equipment no longer needed for municipal purposes by Fire Station 30.