

## TOWN OF NEWTON

### ORDINANCE 2026-11

#### **AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT A PORTION OF CHAPTER 213 OF THE TOWN CODE OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ENTITLED "PROPERTY MAINTENANCE", ARTICLE IV, "LEAD-BASED PAINT INSPECTIONS"**

**WHEREAS**, the Mayor and Town Council of the Town of Newton previously adopted Ordinance No. 2022-24, on November 28, 2022, which added Article IV to Chapter 213 of the Town Code to require lead-based paint inspections in single-family, two-family, and multiple rental dwellings built prior to 1978 in accordance with P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6) and the regulations at N.J.A.C. 5:28A-1.1 et seq.; and

**WHEREAS**, at the time of adoption of Ordinance 2022-24, the New Jersey Department of Community Affairs ("DCA") had designated "Dust Wipe Sampling" as the required inspection methodology for the Town of Newton; and

**WHEREAS**, the DCA has since updated the municipal lead-based paint inspection methodology list (most recently the "2025-26 Lead-Based Paint Inspection Methodology Pursuant to P.L. 2021, c.182"), and the current designated methodology for the Town of Newton is now "Visual Inspection"; and

**WHEREAS**, the Mayor and Town Council find it is in the best interests of the residents of the Town of Newton to amend the local ordinance so that the Town's lead-based paint inspection requirements automatically conform at all times to the inspection methodology currently designated by the DCA for the Town of Newton, without the need for repeated amendments if the State designation changes in the future.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that it does hereby amend, revise, and supplement Chapter 213 of the Town Code, entitled "Property Maintenance", as follows:

**Section 1.** Article IV of Chapter 213 of the Town Code ("Lead-Based Paint Inspections") is hereby amended as follows:

- A. The definition of "Dust wipe sampling" in § 213-15.A. is hereby deleted in its entirety.
- B. § 213-18 is hereby deleted in its entirety and replaced with the following new Section:

## **“§ 213-18 Lead-Based Paint Inspections – Methodology.**

All lead-based paint inspections required under this Article shall be conducted using the inspection methodology designated by the New Jersey Department of Community Affairs for the Town of Newton, pursuant to P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6) and N.J.A.C. 5:28A-1.1 et. seq., as set forth in the most current “Lead-Based Paint Inspection Methodology” list published by the State Department of Community Affairs. As of the effective date of this Ordinance, the designated methodology for the Town of Newton is Visual Inspection. All inspections shall otherwise be performed in full compliance with applicable New Jersey State statutes and regulations.”

- C. Any remaining references in Article IV to “dust wipe sampling,” “dust wiping,” or similar specific sampling language shall be construed to mean the inspection methodology currently designated by the New Jersey State Department of Community Affairs for the Town of Newton.

**Section 2.** All other provisions of Ordinance No. 2022-24 and of Chapter 213 of the Town Code not specifically amended by this Ordinance shall remain in full force and effect.

**Section 3.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

**Section 4.** All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**Section 5.** This Ordinance will take effect after passage and publication according to law.

### **NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on April 27, 2026. It was adopted after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on May 11, 2026, in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.



Teresa A. Oswin, RMC  
Municipal Clerk