



Ordinance # ORDINANCE-2024-02

An Ordinance Amending Chapter 140 Titled Property Maintenance of the Code of the Borough of Rocky Hill Specifically Amending Section 140-1 and Adding Sections 140-4 Registration of Rental Units, 140-5 Insurance Registration Required and 140-6 Required Lead Inspections

§ 140-1 Adoption of standards by reference.

The ~~2006~~ 2021 International Property Maintenance Code, as published by the International Code Council (ICC), is hereby adopted as the Property Maintenance Code of the Borough of Rocky Hill, County of Somerset, in the State of New Jersey, for the control of buildings and structures as herein provided; and each and all of the regulations of the ~~2006~~ 2021 International Property Maintenance Code are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, described in § 140-2 of this chapter.

I. Trash and recycling containers shall not be placed out for collection before 5:00 PM the day prior to collection and shall be removed off the road within 24 hours of pickup and stored either behind the property or at the side of the property behind the front edge of the building.

§ 140-4 Registration of rental units.

A. All rental units, whether residential or nonresidential, shall be registered with the Borough, using an official form provided by the Borough, before any tenant shall occupy such units. The fee for such registration shall be \$50 per rental unit. Existing rental units that are already occupied at the time this chapter is adopted shall be registered within three months of the effective date of this chapter. Any change in ownership, occupancy, or any other information required by this section shall be reported to the Borough on a new official registration form within 30 days of such change.

B. In addition to the identifying information about the building and/or dwelling unit (block, lot, address, unit number, etc.), information provided to the Borough on the official registration form shall include the following:

(1) The name and address of the owner of record or owners of the premises and the owner of record or owners of the rental business if not the same persons. In the case of a partnership the names of all general partners shall be provided;

(2) If the owner of record is a corporation, the name and address of the registered agent and corporate officers of said corporation;

(3) If the owner of record cannot respond to an emergency or to act on a violation within a reasonable amount of time, provide the address of an agent authorized to accept notices and act on behalf of the owner;

(4) The name and address of the managing agent of the premises, if any;

(5) The name and address, including the dwelling unit, apartment, or room number of the superintendent, janitor, custodian, or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any;

(6) The name, address, and telephone number of an individual representative of the owner of record or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency;

(7) The name and contact information of the tenant or occupant of the rental unit;

(8) The maximum occupancy of the dwelling unit, as determined by the Fire Official.

Violations and Penalties

Any person who violates the terms of this chapter shall pay the license fee plus a fine of not less than \$500 but no more than \$5,000 plus court costs.

§ 140-5 Insurance Registration Required

It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multifamily home of four or fewer units, one of which is owner-occupied, to operate within the Borough without first registering its certificate of insurance demonstrating compliance with Section 1 of P.L. 2022, c. 92,1 and paying the registration fee required herein.

Entities Covered by This Chapter

The following entities are required to register their certificate of insurance under this chapter:

- a. Businesses, which shall mean any person intending to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or render any services for fees within the Borough. This shall include businesses operating on a temporary basis within the Borough such as peddlers, solicitors, and transient vendors licensed pursuant to Borough Code and retail food establishments.
- b. Owners of single rental dwelling units.
- c. Owners of multiple-dwelling rental units.
- d. Owners of multifamily homes that include rental units, even where one unit is owner-occupied.

Registration Official

The Borough Clerk shall accept, approve, and file registration applications and collect registration fees hereunder.

Registration Fees; Expiration; Renewal

The registration fees of this chapter shall be \$25 annually. Registrations shall expire on December 31 of each year. Renewals must be submitted by January 30th of each year. After the effective date of this section, entities covered under this section shall be required to within 30 days, and such registration shall be valid for the calendar year.

Application and Insurance Requirements.

An application for a business insurance registration shall be accompanied by the required fee and shall be made to the Borough Clerk upon forms provided by the Clerk. It shall contain the following information:

1. Name and Address of the Applicant. If the applicant is a corporation, the name and address or its registered agent.
2. The Address of the Rental Dwelling Units or Business as Applicable. If the registration applies to a transient business or a mobile food unit, a general description of the time frame for operation and area where the business will be operated.
3. A description of the nature of the business and the goods, property or services to be sold or supplied.
4. A certificate of insurance reflecting the following amounts of insurance in compliance with P.L. 2022, c. 92.1
 1. The owner of a business or the owner of a rental unit or units 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.

2. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

Violations and Penalties

Any person who violates the terms of this chapter shall pay the license fee plus a fine of not less than \$500 but no more than \$5,000 plus court costs.

§ 140-6 Required Lead Inspections.

Required Initial Inspection. The owner, landlord, and/or agent of every single-family, two-family, and/or multiple-dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of P.L. 2021, c. 182¹ (i.e., by July 22, 2024), or upon tenant turnover, whichever is earlier.

1. Required Recurring Inspection. After the initial inspection required by the Borough Code, the owner, landlord, and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier.

§ Standards.

Inspections for lead-based paint in rental dwelling units shall be governed 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 may be amended from time to time.

§ Exceptions.

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, 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 months' duration each year by tenants that do not have consecutive lease renewals; or

5. Has a valid lead-safe certification in accordance with N.J.S.A. 52:27D-437.16d(2). Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection cycle deadline.

§ Lead-Based Paint Inspector.

Appointment. The Mayor shall nominate, with the advice and consent of the Borough Council, and appoint a Lead-Based Paint Inspection firm.

§ Application and Notice.

Whenever any rental dwelling unit subject to this provision is scheduled for a change in occupancy, the then-current owner shall provide written notice to the Borough Clerk that an inspection is needed at least 30 days prior to the scheduled change. Such notice shall be made with a completed application on a form to be provided by the Borough Clerk.

§ Time for Inspections.

The Borough shall designate six days per year, approximately every two months, where the Borough's Lead-Based Paint Inspector shall be available to conduct inspections of dwelling units. If the owner or landlord of a dwelling unit requires inspections outside of such time period, they shall hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of this section.

a. Inspection fees shall be paid prior to the inspection. No inspections or reinspections shall take place unless all fees are paid. Scheduled inspections or reinspections may be canceled by the Borough unless the completed application and required fees have been received by the Borough at least 24 hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection.

§ Failure to Show for An Inspection.

A no-show for a scheduled lead paint inspection shall be subject to a \$50 reinspection fee in addition to all other inspection fees. A no-show inspection means:

1. The owner/agent fails to meet the Inspector within 10 minutes of the appointed time for inspection or reinspection;
2. The owner/agent does not have a key or is unable to give the Lead Paint Inspector or designee access to the premises for the scheduled inspection or reinspection; or
3. Electrical power to a premises is disconnected.

§ Production of Lead-Safe Certifications.

In accordance with N.J.S.A. 52:27D-437.16e, property owners shall:

1. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough Clerk at the time of the cyclical inspection required pursuant to the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.).
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.

§ Remediation of Hazards.

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-437.16d. Upon the remediation of the lead-based paint hazard, the Borough Lead-Based Paint Inspector 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.

§ Certification.

If no lead-based paint hazards are identified, then the Borough Lead-Based Paint Inspector or designee 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 and shall be filed with the Borough Clerk and Lead-Based Paint Inspector.

§ Records.

The Borough Lead-Based Paint Inspector shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

§ Fees for Lead-Based Paint Inspections.

a. In addition to all other fees due under this Chapter, additional fees in the following amounts shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this section and shall not be used for any other purpose.

1. Fees for a New Jersey Certified Lead Paint Inspector/Risk Assessor inspection and lead wipe sample analysis shall be set by resolution each year by the Borough Mayor and Council to reflect actual charges for such services by the appointed Lead-Based Paint Inspector.
2. New Jersey Department of Community of Community Affairs Inspection Fee: \$20 per unit. This fee shall be waived in the property owner or landlord can provide proof that the

Department of Community Affairs has already assessed such fee pursuant to N.J.S.A. 52:27D-437.10.

3. 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 requirements of this section, in which case only a fee for filing a lead-safe certification in the amount of \$25 shall be due.
4. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

§ Violations and Penalties.

1. The Borough Clerk shall be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with N.J.S.A. 52:27D-437.16 or this section.
2. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this section shall be as follows:
 1. 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.
 2. 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 have been initiated.

Introduced and passed on first reading:

Adopted:

ATTEST:

APPROVED: _____

Rebecca Newman, Borough Clerk

Robert Uhrik, Mayor