

AN ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING SECTION 12-8 "HOUSING CODE" OF THE SPARTA TOWNSHIP CODE

WHEREAS, the Township of Sparta desires to amend the Township Housing Code to align with the New Jersey State Housing Code.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Sparta, County of Sussex, New Jersey, that Township Code Section 12.8, "Housing Code" is amended to delete it in its entirety and replace it as follows.

SECTION 1. Township Code Section 12.8, "Housing Code" shall be deleted in its entirety and replaced with the following:

§ 12-8 Housing Code

§ 12-8.1 Scope

The provisions of this section shall constitute the standards to guide the Public Officer or his agents in determining the fitness of a building for human habitation, use, or occupancy.

§ 12-8.2 Definitions.

The words, terms or phrases listed below for the purpose of this section shall be defined and interpreted as follows.

ADMINISTRATIVE AUTHORITY

Shall mean the Sussex County Health Department and the Township of Sparta Code Enforcement Officer and/or Construction Official, or a designee appointed by the Township Manager, which is authorized to administer the provisions of this section.

BUILDING

Shall mean any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenance belonging thereto or usually enjoyed therewith.

DWELLING

Shall mean a building or structure or part thereof containing one or more dwelling units or lodging units.

DWELLING UNIT

Shall mean any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating.

GARBAGE

Shall mean the animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM

Shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

INFESTATIONS

Shall mean the presence, within or around a building, of any insects, rodents, or other pests.

LOCAL HEALTH AGENCY

Shall mean Sussex County Health Department organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health officer program pursuant to law.

LODGING HOUSE

Shall mean any building, or that part of any building containing one or more lodging units, each of which is rented by one or more persons not related to the owner.

LODGING UNIT

Shall mean a rented room or group of rooms, containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

OCCUPANT

Shall mean any person or persons in actual possession of, and living in the building or dwelling unit, including the owner.

OWNER

Shall mean any person properly authorized to exercise powers of, or for an owner of property for purposes of its purchase, sale, use, occupancy, or maintenance.

PERSON

Shall be given the same meaning as defined in N.J.S.A. 1:1-2, as may be amended.

PLUMBING FIXTURES

Shall mean and include all installed receptacles or devices which are supplied with water or which receive or discharge liquid waste or sewage into the drainage system with which they are directly or indirectly connected.

PUBLIC OFFICER

Shall mean the officer(s) of the Sussex County Health Department or the Township of Sparta who are authorized to exercise the powers prescribed by this section.

RUBBISH

Shall mean and include all combustible and noncombustible waste material, except garbage.

UTILITIES

Shall mean and include electric, gas, heating, water and sewerage services, and equipment therefor.

§ 12-8.3 Water Supply.

- a. Every dwelling unit and lodging house shall be provided with a safe supply of potable water meeting the standards as set forth in the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-1 et seq.) published by the New Jersey Department of Environmental Protection.
- b. The source of such water supply shall be approved by the New Jersey Department of Environmental Protection and/or the local health agency.
- c. The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall not be less than one gallon per minute.

§ 12-8.4 Facilities.

- a. Every dwelling unit shall contain a kitchen sink of nonabsorbent impervious material, at least one flush type water closet, a lavatory, and a bathtub or shower, available only for the use of occupants of that dwelling unit.

- b. Every lodging house shall be provided with a minimum of one flush type water closet, lavatory, and a bathtub or shower for every eight persons or part thereof.
- c. Every water closet, lavatory, and bathtub or shower for each dwelling unit or lodging house shall be accessible from within the building without passing through any part of any other dwelling unit or lodging unit and in a lodging house shall be located no farther than one floor above or below the lodging units served. Such water closet, lavatory and bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors, or partitions that afford privacy.
- d. Every plumbing fixture shall be connected to water and sewer systems approved by the New Jersey Department of Environmental Protection and/or the local health agency, and shall be maintained in good working condition.
- e. Every kitchen sink, lavatory, and bathtub or shower required by this section shall be connected to both hot and cold water lines.
- f. Every dwelling shall have water heating facilities which are installed and maintained in good and safe working condition, connected with the hot water lines required under the provisions of (e) above, and capable of delivering water at a minimum temperature of not less than 120 degrees Fahrenheit and at a maximum temperature of not more than 140 degrees Fahrenheit at all times in accordance with anticipated need.

§ 12-8.5 Garbage and Rubbish Storage

- a. Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight fitting covers. At least one approved type garbage receptacle shall be provided for each dwelling unit, in accordance with N.J.A.C. 5:28-1.12(i).
- b. Rubbish shall be stored in receptacles of metal or other approved material. At least one rubbish receptacle shall be provided for each dwelling unit, in accordance with N.J.A.C. 5:28-1.12(i).
- c. Rubbish that does not include materials determined by local ordinance to be recyclable may be stored together with garbage in an approved type garbage receptacle, unless otherwise provided by ordinance. Recyclable materials shall be stored separately from non-recyclable materials.

§ 12-8.6 Lighting

- a. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be eight percent of the floor area of such room. Whenever walls or other portions of structures face a window of any habitable room and are located less than three feet from the window and extended to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimal total window area.
- b. Every dwelling shall be provided with electric service.
- c. Every habitable room shall contain at least two separate wall type electric convenience outlets, or one such convenience outlet and one ceiling or wall type electric light fixture. Every such outlet and fixture shall be maintained in good and safe condition, and shall be connected to the source of electric power. No temporary wiring shall be used except extension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie under rugs or other floor coverings nor extend through doorways, transoms, or other openings through structural elements.

- d. Every portion of each staircase, hall, cellar, basement landing furnace room, utility room, and all similar non-habitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (two foot-candles) in the darkest portions.
- e. Every portion of any interior or exterior passageway or staircase common to two or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (2 foot-candles) in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two dwelling units such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.
- f. Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three lumens per square foot (three foot-candles). Such light shall be measured 36 inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.

§ 12-8.7 Ventilation

- a. Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least two air changes per hour.
- b. Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least six air changes per hour.

§ 12-8.8 Heating Equipment

- a. Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room.
- b. Every space heater, except electrical, shall be properly vented to a chimney or duct leading to outdoors, unless the appliance is labeled as having been tested and approved for unvented operation, in compliance with the State Uniform Construction Code. Unvented portable space heaters that burn solid, liquid, or gaseous fuels shall be prohibited.

§ 12-8.9 Egress

- a. Every dwelling, dwelling unit, or lodging unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.
- b. A room used for sleeping purposes under the provisions of N.J.A.C. 5:28-1.11(d) shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.
- c. There shall be not fewer than two independent exits remote from each other from every floor of a building greater than two stories in height having more than two dwelling and/or lodging units.

§ 12-8.10 Maintenance

- a. Every foundation, floor, wall, ceiling, door, window, roof, or other part of a building shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted.
- b. Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly banistered and safely balustraded.
- c. Every porch, balcony, roof, and/or similar place higher than 30 inches above the ground, used for egress or for use by occupants shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and be not less than three feet in height.
- d. Every roof, wall, window, exterior door, and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.
- e. Every foundation, floor, and wall of a dwelling shall be free from chronic dampness.
- f. Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the local health agency. Rodent and vermin extermination shall be carried out in accordance with N.J.A.C. 5:28-1.12(k). Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1st until October 1st of each year. Such screens shall have a mesh of not less than No. 16.
- g. Every building, dwelling, dwelling unit and all other areas of the premises shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.
- h. The Public Officer may order the owner to clean, repair, paint, whitewash, or paper such walls or ceilings, when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled, or the plaster, wallboard, or other covering has become loose or badly cracked or missing. Nothing in this subsection shall be so construed as to place upon the nonresident owner responsibilities for cleanliness contained in N.J.A.C. 5:28-1.12(f).
- i. Every water closet compartment floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to water so as to permit such floor to be kept in a clean condition.

§ 12-8.11 Use and Occupancy of Space

- a. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the base of total habitable room area.
- b. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- c. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area in the

room for the purpose of determining the maximum permissible occupancy thereof.

- d. A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floors thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Administrative Authority; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

§ 12-8.12 Responsibilities of Owners and Occupants.

- a. No owner or occupant shall cause any services, facilities, equipment, or utilities which are required under this section to be removed from, shut off, or discontinued in any occupied dwelling let or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is authorized by the Public Officer. In the event that any service or utility which the owner has agreed to supply is discontinued, the owner shall take immediate steps to cause the restoration of such service or utility.
- b. The owner of a dwelling located in an area found by the Public Officer to be infested by rats, insects, or other vermin shall carry out such rat stoppage, vermin proofing, or other means of preventing infestations of said dwellings as may be required by the local health agency.
- c. No owner shall occupy or let to an occupant any vacant dwelling unit or lodging unit unless it is clean and sanitary.
- d. Every owner of a dwelling containing two or more units or lodging units shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwellings and premises thereof.
- e. It shall be the responsibility of the owner, unless otherwise provided for under lease agreement, to provide for the orderly maintenance of the premises. The storage of objects or materials not covered in (g) and (h) below, or not otherwise prohibited by municipal ordinance shall be done in an orderly manner so as to not constitute a health, safety, or fire hazard.
- f. Every occupant of a dwelling shall keep in a clean and sanitary condition every part of the dwelling which he or she occupies and controls.
- g. Every occupant of a dwelling unit shall dispose of all of his or her garbage, and any other organic waste which might provide food for rodents, by placing it in the garbage disposal facilities or garbage storage receptacles required by N.J.A.C. 5:28-1.5(a).
- h. Every occupant of a dwelling unit shall dispose of all of his or her rubbish in a clean and sanitary manner, by placing it in the rubbish containers required by N.J.A.C. 5:28-1.5(b) and (c).
- i. In dwellings containing no more than three dwelling units, it shall be the responsibility of the occupant of each dwelling unit to furnish the receptacles outside the dwelling unit as are needed for the storage of garbage and rubbish until removal from the premises. In lodging houses, and in dwellings containing four or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside the lodging units or dwelling units as are needed for the storage of garbage and rubbish until removed from the premises.
- j. Every occupant of a dwelling unit in a dwelling containing no more than three dwelling units shall be responsible, unless provided for otherwise under a lease agreement, for the periodic removal of all garbage and rubbish from the premises each week in accordance with such regulations of this Municipality for the collection of garbage and rubbish.
- k. Every occupant of a dwelling comprising a single dwelling unit shall be responsible for the

extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the common parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

- l. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- m. In dwellings containing two or more dwelling units having a common source of heat for domestic hot water, it shall be the responsibility of the owner to make provision for the proper operation of such facilities at all times.
- n. Every owner of a dwelling, who permits to be occupied any dwelling unit or lodging unit therein under any agreement, expressed or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain therein a minimum inside temperature in all habitable rooms, bathrooms, and water closet compartments of 68 degrees Fahrenheit between the hours of 6:00 A.M. and 11:00 P.M., and 65 degrees Fahrenheit between the hours of 11:00 P.M. and 6:00 A.M., from October 1 of each year to the next succeeding May 1.
- o. In the absence of a contract or agreement to the contrary, an owner shall be obligated to provide heat whenever heating facilities are under the control of the owner or whenever two or more dwelling units or lodging units are heated by a common facility.
- p. The owner shall be responsible for compliance with all provisions of this section not specified as the responsibility of occupants.

§ 12-8.13 Lead-Safe Maintenance Requirements.

- a. Each tenant-occupied residential building constructed before 1978 shall be subject to the requirements for lead-safe maintenance contained in this section. All such buildings shall undergo a combined inspection and risk assessment, and lead hazard control work in accordance with (b) below or shall comply with the requirements for standard treatments contained in (c) below. Following the performance of lead hazard control work or standard treatments, all buildings shall be subject to the requirements for on-going evaluation and maintenance contained in (d) below.
 1. The requirements of this section shall not apply to:
 - i. Buildings, dwelling units or common areas that have been certified to be free of lead-based paint in accordance with N.J.A.C. 5:17;
 - ii. A seasonal rental unit which is rented for less than six months' duration each year; or
 - iii. A dwelling unit that has been certified as having a lead-free interior in accordance with N.J.A.C. 5:17.
- b. Inspection, risk assessment and lead hazard control work: A combined inspection and risk assessment shall be performed in accordance with the applicable provisions of N.J.A.C. 5:17. Data collected from a previous inspection or risk assessment may be used. If a property or portions of a property were inspected for lead-based paint prior to May 16, 2005, a risk assessment shall be performed for the property or portions inspected; however, a new inspection shall not be required. For purposes of this section, "risk

assessment" shall exclude testing of soil. For purposes of this section, "floors" shall include both carpeted and uncarpeted surfaces.

1. Lead hazard control work to address lead-based paint hazards identified in the risk assessment shall be conducted in accordance with the applicable provisions of N.J.A.C. 5:17 for lead-based paint abatement and in accordance with the U.S. Department of Housing and Urban Development rules (24 C.F.R. 35) for interim controls, 24 C.F.R. 35.1330, incorporated herein by reference.
 2. Following the performance of an inspection and risk assessment and any necessary lead hazard control work, the owner shall obtain a certification that the property is free of lead-based paint hazards issued in accordance with N.J.A.C. 5:17-3.6.
- c. Standard treatments: If the owner chooses not to have an inspection and risk assessment performed, as described in (b) above, the following lead hazard control requirements shall be followed for each dwelling unit and for all common areas. For each such building, the owner shall undertake periodic standard treatments as described below.
1. Standard treatments for lead safety shall be undertaken at unit turnover, unless they were undertaken less than 12 months before. Standard treatments shall be undertaken not less than once every 12 months in dwelling units where the owner has been notified by a tenant that a pregnant woman or a child under the age of six years resides.
 2. Standard treatments shall include the following:
 - i. Smooth and cleanable horizontal surfaces shall be provided. All horizontal surfaces, such as floors, stairs, interior window sills and window troughs, that are rough, pitted or porous, shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane or linoleum;
 - (1) If carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in N.J.A.C. 5:17, the carpet shall be removed.
 - (A) If carpet is to be removed and replaced with new carpet, the padding beneath the contaminated carpet shall also be replaced and the floor below shall be tested and shall not exceed the clearance levels set forth in N.J.A.C. 5:17.
 - ii. Conditions of rubbing, binding, friction or crushing of painted surfaces shall be corrected;
 - iii. Specialized cleaning shall be performed in accordance with (c)2iii(1) through (3) below.
 - (1) The work area shall be vacuumed with a HEPA vacuum cleaner as follows:
 - (A) HEPA vacuuming shall be sequenced to avoid passing through rooms already cleaned. The entryway shall be vacuumed last; and
 - (B) In each room, vacuuming shall begin with the ceiling and shall proceed down the walls. Every surface shall be vacuumed including, but not limited to, ceiling, walls,

windows, window sills, exterior sills, window wells, doors, heating and air conditioning equipment, fixtures, such as light fixtures, and built-in appliances. Floors shall be the final surface vacuumed.

(2) The work area(s) shall be wet washed with a detergent solution such as trisodium phosphate, formulated to bind lead. An original, marked container showing the nature of the formula and any necessary precautions shall be available at the work site. The name of the product used and its manufacturer shall be included in the records retained by the owner.

(A) In each room, the wet wash process shall begin with the ceiling and work down to the floor following the sequence in (c)2iii(1)(A) and (B) above.

(B) String mops and mop buckets with wringers are required for wet washing floors. Sponge mops shall not be used.

(3) When dry, the abated area(s) shall be HEPA vacuumed again, following the sequence in (c)2iii(2)(A) and (B) above; and

iv. Maintenance staff trained in accordance with N.J.A.C. 5:28-2.1(g) or a lead evaluation firm certified in accordance with N.J.A.C. 5:17 shall perform dust wipe sampling per N.J.A.C. 5:17-9.1, Table 9.1 for Single Surface Wipe Samples, if standard treatments are performed that disturb painted surfaces that total two square feet or more in any one interior room space, or ten percent or more of the total surface area of an interior component with a small surface area, including, but not limited to, window sills, baseboards or trim. The results shall not exceed the levels established in N.J.A.C. 5:17.

d. On-going evaluation and maintenance, as described below, shall be required for all buildings.

1. A visual examination for deteriorated paint shall be performed by the owner at unit turnover or every twelve months, whichever comes first.

2. Deteriorated paint and the causes of deterioration shall be promptly and safely repaired in accordance with the requirements of (i) below.

i. Painted surfaces shall be made intact by paint stabilization, enclosure, encapsulation or removal.

ii. The causes of paint deterioration shall be diagnosed and corrected.

iii. Dust wipe testing shall be performed in accordance with (d)2iii(1) through (4) below when the work is complete to ensure that the lead dust levels do not exceed the lead hazard levels established by N.J.A.C. 5:17. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, cleaning and retesting shall be performed until the results of testing demonstrate lead levels below the standard.

(1) Dust wipe sampling shall be performed following the first 20 maintenance activities. Ninety- five percent of these samples taken shall meet the clearance levels set forth at N.J.A.C. 5:17.

(2) If the 95 percent accuracy level is reached, dust wipe sampling shall be performed following five percent of maintenance

activities performed and samples shall be ordered on a random basis. A 95 percent accuracy level shall be maintained.

- (3) If the accuracy level falls below 95 percent or if a 95 percent accuracy level was not achieved following the first 20 maintenance activities, dust wipe sampling shall be performed following all maintenance activities until the 95 percent accuracy level is reached.
- (4) Property owners shall be required to maintain records of all dust wipe sampling performed.

e. The following concern exterior surfaces:

1. The requirements set forth in (a) through (d) above shall apply to stairwells, porches, balconies, entryways, and windows.
2. For all other exterior surfaces, lead-safe work practices, in accordance with (i) below, shall be used for any work to be undertaken, unless the paint has been tested and not found to be lead-based paint.

f. The following concern recordkeeping:

1. A record of testing performed and any certificate issued by a certified evaluation firm indicating that the building or any portion thereof is lead free shall be maintained for the life of the structure.
2. A record of all testing, visual examinations, findings and corrective action taken, including the date(s) and location(s) of any sampling performed and of corrective actions taken, shall be maintained for not less than five years and shall be made available upon request for review by the enforcing agency having jurisdiction. This shall include a record of:
 - i. Inspections, risk assessments and lead hazard control work performed pursuant to (b) above;
 - ii. Standard treatments undertaken pursuant to (c) above;
 - iii. On-going evaluation and maintenance undertaken pursuant to (d) above;
 - iv. Any certificates issued to the building owner by a certified lead evaluation firm;
 - v. Tenant notification required pursuant to (h) below; and
 - vi. Any reports of deteriorated paint received from tenants and documentation of the owner's responses pursuant to (h) below.
3. A record of the training in safe building maintenance practices of each individual as required by (g) below shall be maintained by the owner as long as that individual is involved in the maintenance of the building and shall be made available upon request for review by the enforcing agency having jurisdiction.

g. Training requirements are as follows:

1. All owners or employees of the owner performing visual examinations or undertaking corrective action or maintenance work shall complete a one-day training course on safe building maintenance practices and applicable New Jersey law offered by a training provider accredited by the Department of Health and Senior Services. Courses approved for this purpose shall include:

- i. The Lead-Based Paint Maintenance Training Program, "Work Smart, Work Wet, and Work Clean to Work Lead Safe," prepared by the National Environmental Training Association for EPA and HUD;
 - ii. "The Remodeler's and Renovator's Lead-Based Paint Training Program," prepared by HUD and the National Association of the Remodeling Industry;
 - iii. Lead Safety for Remodeling, Repair and Painting: A Joint EPA-HUD Course; or
 - iv. Any other course that the Department finds to be substantially equivalent.
 2. Owners or employees of the owner shall not perform dust wipe sampling unless they have completed a State-certified course in accordance with this section or a HUD-approved clearance technician course (for example, the course developed by EPA, "Lead Sampling Technician ('HUD Clearance Technician') Training Course").
- h. Tenant notification and owner response requirements are as follows:
 1. Owners shall distribute a pamphlet developed by the Department prior to commencement of repair work that will disturb more than two square feet of lead-based pain, unless the tenant has received the pamphlet within the last 12 months.
 2. Owners shall post a notice advising tenants to report deteriorated paint and shall respond to any reported problem within 30 days. The notice shall include the landlord's name, address, and telephone number.
 - i. If an owner has received notice from a tenant that there is a pregnant woman or a child under the age of six years residing in the unit or, with regard to any problem reported in a common area, in the building, the owner shall correct any conditions of deteriorated paint within one week of the tenant complaint.
 - ii. In buildings where there is no central location for posting notices or where notices are likely to be defaced or removed without authorization, the owner shall provide each tenant with a copy of such a notice.
- i. Lead-safe work practices: All work undertaken to repair or stabilize deteriorated paint and any other work that will disturb painted surfaces shall comply with the following:
 1. Occupant protection and worksite preparation shall be performed in accordance with the applicable provisions of U.S. Department of Housing and Urban Development rules, 24 C.F.R. 35.1345, incorporated herein by reference.
 2. The following work practices shall be prohibited:
 - i. Open flame burning or the use of high temperature (in excess of 1,100 degrees Fahrenheit) heat guns;
 - ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;
 - iii. Uncontained water blasting or power washing; or

- iv. Dry scraping or sanding more than two square feet of painted surface per room (interior) or more than 10 square feet per building (exterior).
- 3. All work shall be undertaken in a manner that prevents the spread of dust.
- 4. Specialized cleaning shall be performed at the end of each work day if the job will take more than one day and the area is to be occupied before work begins again and at the end of each job.
- 5. Occupant protection, worksite preparation and specialized cleaning ((i)1 and 4 above) are not required for maintenance activities that disturb painted surfaces that total:
 - i. Twenty square feet or less on the exterior of the building;
 - ii. Two square feet or less in any one interior room or space; or
 - iii. Ten percent or less of the total surface area of an interior or exterior component with a small surfaces area, including, but not limited to, window sills, baseboards or trim.
- 6. After the completion of any work involving the disturbance of painted surfaces of a size that exceeds the limits of (i)5 above, at least one dust wipe sample shall be taken by maintenance staff trained in accordance with (g) above in each room that is part of the work area at a location where work was performed. If the level exceeds the lead hazard level established by N.J.A.C. 5:17, the room shall be cleaned and retested until the results of testing demonstrate lead levels below the standard.
- j. Bare soil in excess of nine square feet per property shall be covered or access to these areas shall be restricted and bare soil in play areas or walkways of any size shall be covered unless that soil has been tested and has been found to be below the lead hazard level established by the U.S. Environmental Protection Agency at 40 CFR 745, incorporated herein by reference.
- k. Garages and other structures on the site: Any work on garages and other structures on the site shall be performed in accordance with the lead-safe work practices listed in (i) above. Structures to which tenants have access shall comply with the requirements set forth in (a) through (e) above.

§ 12-8.14 Conflicts of Ordinances.

Nothing in this section shall be construed to abrogate or impair the powers of any department of this municipality or any agency of the State of New Jersey to enforce any provisions of its charter or its ordinances, codes, regulations or statutory provisions or to prevent or punish violations thereof.

SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect 20 days after final passage and publication as prescribed by law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on March 26, 2024. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on April 9, 2024 at 7:00 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on March 26, 2024. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on April 9, 2024 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK