

ORDINANCE NO. 2024-17

**AN ORDINANCE OF THE TOWNSHIP OF STAFFORD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
SUPPLEMENTING CHAPTER 81 OF THE TOWNSHIP
CODE, ENTITLED "CERTIFICATES OF OCCUPANCY" SO
AS TO AMEND VARIOUS SECTIONS**

NOW, THEREFORE, BE IT ORDAINED, by the governing body
of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Stafford is
hereby supplemented as to Chapter 81, entitled "Certificates of Occupancy," so as to
amend various sections, which sections shall now read as follows:

Chapter 81. Resale Certificates; Rental Certificates

Article I. Rental Property

§ 81-2 Compliance with state provisions.

- A. All buildings, structures and units thereof which are inspected pursuant to this article shall comply in all respects to the requirements of Township ordinances, the provisions of N.J.S.A. 55:13A-1 et seq. and 55:13B-1 et seq. and the applicable provisions of the International Property Maintenance Code, 2021.
- B. Any and all new work required to be undertaken on an existing structure must comply with the provisions of the New Jersey Uniform Construction Code (N.J.S.A. 52:27D-119 et seq.).

§ 81-2.1 Adoption of code by reference.

The latest edition of the International Property Maintenance Code and all of the terms contained therein, and as such portions as are hereinafter deleted, modified, changed or amended, are hereby adopted and incorporated as fully as if they were set forth at length herein for the purpose of chapter 81. Pursuant to N.J.S.A. 40:49-5.1 et seq., the aforesaid code is adopted by reference thereto, and a copy of the printed code is annexed to this chapter and shall be a part of it as fully as though it had been set forth at length herein.

§ 81-2.3 Revisions to the latest edition of the International Property Maintenance Code.

The following provisions of the International Property Maintenance Code shall be revised and/or modified as follows:

- A. Chapter 1, entitled, "Scope and Administration," is hereby deleted in its entirety.
- B. Section 301.3 Vacant structures and land is hereby deleted in its entirety.
- C. Sections 302.1 Sanitation, 302.2 Grading and drainage, 302.3 Sidewalks and driveways, and 302.8 Motor vehicles are hereby deleted in their entireties.
- D. Section 304.4 Structural members 303.4 is hereby deleted in its entirety.

- E. In Section 304.7 Roofs and drainage,3.7, the last sentence that reads, "Roof water shall not be discharged in a manner that creates a public nuisance" shall be deleted.
- F. In Section 304.14 Insect screens303.15, the phrase "during the period from [date] to [date]" shall be deleted.
- G. Section 304.17 Guards for Basement windows, 303.18 shall be deleted in its entirety.
- H. Section 305.2 Structural members,304.2 shall be deleted in its entirety.
- I. In Section 307.1 (formally702.9) Handrails and Guardrails Side, the phrase "and having more than four risers" shall be revised to read "and having more than three risers."
- J. Section 308 Rubbish and Garbage,305 entitled is hereby deleted in its entirety.
- K. In Section 502.4, Employee's facilities, the phrase" and one drinking facility" shall be deleted.
- L. Section 505.2 Contamination, shall be deleted in its entirety.
- M. In Section 505.4 Water heating facilities, the following sentence shall be added: "All relief valve discharge pipes are to be metallic with no threaded ends and are to terminate six inches above the finish floor." Not to print -changed temperature not less than 120 F to 110 F
- N. Section 507 Storm drainage, is hereby deleted in its entirety.
- O. In Section 602.3 Heat supply, the phrase "during the period from [date] to [date]" is hereby deleted, and the exception listed therein is deleted in its entirety.
- P. In Section 602.4, Occupiable work spaces, the phrase "during the period from [date] to [date]" is hereby deleted.
- Q. Section 605.2 Receptacles is hereby deleted in its entirety.
- R. Section 606 Elevators, Escalators, and Dumbwaiters, is hereby deleted in its entirety.
- S. In Section 704.6.3 Power source 705.5.2, the following sentence shall be added: "AC primary power source smoke detectors are to be replaced with the same power source with or without battery backup."

§ 81-9 Fees.

- A. Amounts.
 - (1) The owner of the inspected property shall be charged a fee for each inspection as follows:
 - (a) Rental certificate:
 - [1] Single family, per dwelling unit: \$40.
 - [2] One to 50 units, per dwelling unit: \$25.
 - [3] Over 50 units, per dwelling unit: \$20.
 - [4] Commercial unit, per unit: \$65.
 - (2) The term "dwelling unit" shall be defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.
 - (3) "Commercial unit" shall mean any rental property utilized for nonresidential purposes.
 - (4) A fee of \$25 shall be charged for each residential property which is required to be reinspected during any calendar year.

- (5) A fee of \$50 shall be charged for each nonresidential property which is required to be reinspected during any calendar year.
- (6) A fee of \$15 shall be charged for each subsequent reinspection required due to a previously failed inspection.
- B. The aforesaid fees shall be paid to the Code Official prior to any inspection being made hereunder.

Article II. Miscellaneous Provisions

§ 81-11. Transfer of title.

The ownership of real estate shall not be transferred unless prior thereto there has been Obtained from the Construction Official a resale certificate.

§ 81-12. Property standards.

- A. Such resale certificate shall certify that such dwelling unit is fit for human habitation and that any commercial unit is in compliance with all requirements promulgated by ordinance, the New Jersey State Uniform Construction Code, the provisions of N.J.S.A. 55:13A-1 et seq. and N.J.S.A. 55:13B-1 et seq. and the International Property Maintenance Code, 2021.
- B. Prior to the issuance of a resale certificate, a chimney cap must be placed on all fireplaces in order to prevent any animals from entering the chimney.
- C. Prior to the issuance of a resale certificate, all new or substantially renovated nonresidential structures must have a Rapid Entry Knox-Box® located on the outside of the building as directed by the Fire Official/Fire Inspector, accessible to emergency personnel. Said Rapid Entry Knox-Box® must be of a design acceptable to the Fire Official/Fire Inspector.

§ 81-13. Issuance or denial of certificate.

- A. Within 10 days of the receipt of the application and application fee, the Construction Official shall either issue a resale certificate pursuant to § 81-11 or issue a denial of the request for the certificate specifying the necessary corrections or repairs which must be made in order to cause the premises to comply with all ordinances adopted by the Township of Stafford or standards contained in the New Jersey Uniform Construction Code and the International Property Maintenance Code, 2021.
- B. The Construction Official may issue a temporary resale certificate for a period not to exceed 90 days if the structure substantially complies with the criteria set forth in Subsection A above. In such event, the temporary resale certificate shall be conditioned upon the completion of such items specified by the Construction Official and within the time period established by said Official.

Article III. Lead-Based Paint Inspections.

§ 81-16. 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

DASTI STAIGER

ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

§ 81-17. Required Recurring Inspection.

After the initial inspection required by Section 81-16, 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, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

§ 81-18. 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.

§ 81-19. 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, or for the fees for such inspection or evaluation, if the unit:

- a. Has been certified to be free of lead-based paint;
- b. Was constructed during or after 1978; or
- c. 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", N.J.S.A. 55:13A-1, et seq.
- d. 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
- e. Has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§ 81-20. Hazards Identified.

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 Code Enforcement Officer 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.

§ 81-21. No Hazards Identified.

If no lead-based paint hazards are identified, then the Township Code Enforcement Officer 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 Township's Code Enforcement Officer. The Township Code Enforcement Officer 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.

§ 81-22. Certification; Records.

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

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Stafford at the time of the cyclical inspection.
- b. 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.
- c. 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.

§ 81-23. Fees.

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$300.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. 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 Section 81-16 in which case no additional Lead-Based Paint inspection fee shall be paid.
- b. The fee for the filing of a lead-safe certification or lead-free certification shall be \$50.
- c. 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.

§ 81-24. Violations and Penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this Article 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 have been initiated.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be 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 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the **21st day of May, 2024**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **18th day of June, 2024** at 7:00 p.m., at the Municipal Courtroom, located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



SUSAN M. FARRELL, RMC, CMR
TOWNSHIP CLERK

Introduction: May 21, 2024

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito			✓			
Otte		✓	✓			
Krier			✓			
Steadman			✓			
LaRocca			✓			
Mower	✓		✓			
Henken			✓			

Adoption: June 18, 2024

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito	✓		✓			
Otte			✓			
Krier			✓			
Steadman			✓			
LaRocca		✓	✓			
Mower			✓			
Henken						✓

CERTIFICATION

I, **SUSAN M. FARRELL**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing Ordinance was duly adopted on second reading and public comment by the Stafford Township Governing Body at their meeting held on the 18th day of **June, 2024**.


SUSAN M. FARRELL, RMC
MUNICIPAL CLERK

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 310 Lacey Road P.O. Box 779
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