

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**

ORDINANCE NO. 1417

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING
AND SUPPLEMENTING THE CODE OF THE BOROUGH OF
WILDWOOD CREST ARTICLE I, LEAD-BASED PAINT INSPECTIONS
OF CHAPTER 14 AMENDING FEES FOR LEAD-BASED PAINT IN
INSPECTIONS**

WHEREAS, the Board of Commissioners, of the Borough of Wildwood Crest, for good government, order and the protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants, desires to supplement and amend the Code of the Borough of Wildwood Crest to adjust the fees for lead-based paint inspections of certain single-family, two-family, and multiple rental dwellings located within the Borough for lead-based paint hazards.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, as follows:

Section 1. Ordinance 1408, adopted September 6, 2023, that had been codified in the Code of the Borough of Wildwood Crest, as Chapter 14, Section 14-7 Fees, is hereby be deleted in its entirety and replaced with the following:

§ 14-7. Fees.

The fees for a lead-based paint inspection shall be as follows:

- A. Dust Wipe Sampling per unit: \$295.00 inclusive of 10 dust wipe samples.
- B. An XRF (X-Ray Fluorescence) inspection is available to the requesting party as an add-on to the visual inspections for an additional \$150.00 per unit. An XRF inspection will allow a dwelling unit to be certified lead-based paint free and become exempt from the regulation forever. A Lead-Free Certificate will only be issued if no lead-based paint is found.
- C. Post Remediation Inspection/Clearance: \$205.00 per unit.
- D. Fees include report delivery in a digital format. Hard copies will be provided for an additional fee of \$50.00.
- E. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.00.
- F. 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.
- G. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Borough's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act unless the unit owner 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.

H. All incidentals not specifically stated in Fees above, will be invoiced at cost plus 10%.

Section 2. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 3. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 5. This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

Dated: December 6, 2023

Don Cabrera, Mayor

Patricia A. Feketics, Borough Clerk

Joseph Franco, Jr. Commissioner

Joseph Schiff, Commissioner

Introduced: November 21, 2023

Adopted: December 6, 2023