

WEST DEPTFORD TOWNSHIP

ORDINANCE 2023-12

AN ORDINANCE OF THE TOWNSHIP OF WEST DEPTFORD, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, ADOPTING A NEW CHAPTER OF THE CODE BOOK CONCERNING LEAD-BASED PAINT INSPECTIONS

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality for lead-based paint hazards within two years of the effective date of the law, July 22, 2022, or upon tenant turnover, whichever is earlier; and

WHEREAS, it is in the best interests of the residents of the Township of West Deptford to amend the Township Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law; and

WHEREAS the Township wishes through this Ordinance to adopt a new Chapter to be entitled "Lead-Based Paint Inspections" of the Township Code in order to serve the best interests of the Township and its residents.

NOW THEREFORE BE IT ORDAINED by the Council of the Township of West Deptford, in the County of Gloucester, and State of New Jersey that:

SECTION 1. Title.

That a new Chapter of the Code Book to be known as "Lead-Based Paint Inspections" be and is hereby established in the Township of West Deptford and shall read as follows:

Lead-Based Paint Inspections.

Section 2. Definitions.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Lead Evaluation Contractor – A firm certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard - Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Tenant turnover - The time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue, and as conducted pursuant to N.J.A.C. 5:28A-2.3.

Section 3. Inspections.

A. The Township lead inspector shall inspect every single-family, two-family, or multiple rental

dwelling located in the Township of West Deptford for lead-based paint hazards through visual assessment.

B. In lieu of having the dwelling inspected by the Township's lead inspector, 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 perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

C. In accordance with N.J.S.A. 52:27D-437.16(c), 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 ten (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 (C.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.

D. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.

E. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

F. If no lead-based paint hazards are identified, then the Township's 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 (2) years.

G. Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

(1) Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection

(2) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §83-2(C) of this Chapter.

(3) Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

H. Fees.

(1) The Lead Paint visual inspection fee conducted by the Township is \$200.00 per inspection plus para. (2) below for a total of \$220.00.

(2) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Township's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

(3) In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

Section 4. Violations.

Penalties for violation of this Ordinance shall be as follows:

A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation.

B. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 5. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective;

SECTION 6. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 7. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

TOWNSHIP OF WEST DEPTFORD


JAMES P. MEHAFFEY, Mayor

Attest:



LEE ANN DEHART, Registered Municipal Clerk

INTRODUCED at a meeting of the Township Committee of the Township of West Deptford, held on May 17, 2023.

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
James Mehaffey	/			
Megan Kerr	/			
Ashley Morrell				/
Adam Reid	/			
James Robinson	/			
TALLY:	4			/

ADOPTED at a meeting of the Township Committee of the Township of West Deptford, held on June 21, 2023.

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
James Mehaffey	/			
Megan Kerr	/			
Ashley Morrell	/			
Adam Reid	/			
James Robinson				/
TALLY:	4			/