

ORDINANCE #1103

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY REQUIRING LEAD-BASED PAINT INSPECTIONS FOR LEAD-FREE CERTIFICATION AND FEE AS PART OF THE RENTAL CERTIFICATE APPLICATION PROCESS

WHEREAS, the New Jersey Lead-Safe Certificate Law was enacted by the New Jersey Legislature, and signed by the Governor, known as P.L. 2021, c.182; and

WHEREAS, that law requires that rental dwellings built prior to 1978 must provide a lead-free certificate in order to obtain a Certificate of Occupancy, and pay the required fee, which is processed through the borough to the New Jersey Department of Community Affairs, Division of Housing and Community Resources; and

WHEREAS, this ordinance will codify the requirements set forth above;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport that Chapter 295 Property Maintenance be amended to add a new Article entitled Lead-Based Paint Inspections in Rental Dwellings as follows:

Chapter 295. Property Maintenance
Article VI. Lead-Based Paint Inspections in Rental Dwellings

§ 295-31. ADOPTION OF STANDARDS BY REFERENCE.

Unless specifically outlined below, a code defining and authorizing the periodic inspection of premises by an enforcing official concerning lead-based paint, compelling residents to abate identified lead hazards, explaining the relevant procedures, and, prescribing penalties for failure to address violations in a timely matter is hereby established in accordance with Chapter P.L. 2021, c. 182 and N.J.A.C. 5:28A et seq.

§ 295-32. TITLE.

Said code established and adopted by this chapter is described and commonly known as N.J.A.C. 5:28A Lead-Based Paint Inspections in Rental Dwellings.

§ 295-33. COPIES ON FILE.

Three copies of said N.J.A.C. 5:28A Lead-Based Paint Inspections in Rental Dwellings, have been placed on file in the office of the Borough Clerk upon the introduction of this chapter and will remain on file there for use and examination by the public.

§ 295-33. REGISTRATION AND INSPECTION REQUIRED.

A. The dwelling owner, landlord, or agent of a single-family, two-family, and/or multiple rental dwelling property located within the Borough shall register such rental dwelling with the Borough by completing, providing all information called for by, and signing a form prescribed by the Code Enforcement Officer and filing such completed and signed form with the Code Enforcement Officer within two weeks after the effective date of this chapter or on or before the date that such owner takes title to such rental dwelling. The Code Enforcement Officer shall maintain all such completed and signed forms in his or her office.

B. Each owner or their representative who applies for a Rental Certificate for a rental property shall obtain a lead-free certification from an approved third party. The inspections and lead-free certifications will not be provided by the borough.

C. The dwelling owner, landlord, or agent of a rental property shall directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of paragraph b of this. Copies of all subsequential results, reports, and/or certificates must be provided to the Code Enforcement Officer as part of the established registration application.

§ 295-34. INSPECTION FEES.

In addition to the fees required to obtain a Rental Certificate, the applicant shall pay an additional \$20.00, which fee shall be passed through to the New Jersey Department of Community Affairs, Division of Housing and Community Resources

§ 295-35. COMPLIANCE.

All property owners and/or business of rental dwellings that meet the provision of the aforesaid code of this chapter and regulations referenced therein must abate their rental dwelling(s) upon identification and notice of lead hazard(s) that were discovered as a result of observations made during a lead-based paint inspection. The abatement of lead hazards must conform to regulations found within N.J.A.C.

5:28A and N.J.A.C. 5:17, which encompasses and/or outlines protocols for lead abatement and clearance.

§ 295-36. ENFORCEMENT

This chapter may be enforced by and in the name of the Monmouth County Regional Health Commission No. 1 and/or the Borough with the assistance of the Code Enforcement Officer by proceedings instituted and prosecuted in a court having jurisdiction of such proceedings within the Borough.

§ 295-37. EXEMPTIONS

§ 295-38. VIOLATIONS AND PENALTIES.

If a dwelling owner fails to comply with any provision of this chapter or the requirements of P.L. 2021, c. 182 and N.J.A.C. 5:28 et seq., the owner shall be given a period of 30 days to cure any violation by conducting the required inspection or initiating any required remediation efforts.

If the owner of a dwelling has failed to cure the violation within 30 days, the owner shall be subject to a penalty of up to \$1,000 per week (every seven days) until the required inspection has been conducted or the remediation efforts have been initiated. Remediation efforts shall be considered to have initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.

§ 295-39. FILING WITH THE STATE.

A true certified copy of this chapter shall be filed with the State Commissioner of Health.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon passage and publication according to law.

APPROVED ON FIRST READING

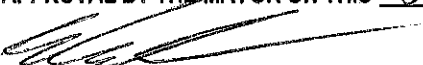
DATED: November 7, 2024

ADOPTED ON SECOND READING

DATED: December 5, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS 5th DAY OF December 2024.


THOMAS J. TVRDIK
Mayor