



TOWN OF DOVER MAYOR & BOARD OF ALDERMEN

ORDINANCE NO. 39-2022

AN ORDINANCE OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADDING CHAPTER 238 TO THE CODE OF THE TOWN 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 at tenant turnover for lead-based paint hazards; and

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

WHEREAS, the Town wishes through this Ordinance to establish Chapter 238 entitled “Lead-Based Paint Inspections” of the Town Code in order to serve the best interests of the Town and its residents.

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Dover, in the County of Morris and State of New Jersey that:

SECTION 1. Chapter 238 to be known as “Lead-Based Paint Inspections.” is hereby added to the Code of the Town of Dover and shall read as follows:

Chapter 238 Lead-Based Paint Inspections.

§238.1 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.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

Lead Evaluation Contractor – A person 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.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

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

§238.2 Inspections.

A. The Town of Dover has made arrangements with a minimum of 3 lead evaluation contractors to inspect every single-family, two-family, or multiple dwelling rental unit(s) located in the Town of Dover for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq. This list will be provided to owners of rental units at the time of change in tenancy or every three years as required pursuant to P.L. 2021, c. 182. The property owners shall make all arrangements with the lead evaluation contractor for all required inspections.

B. In lieu of having the dwelling inspected by the Town's recommended lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor of his or her choice 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 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 lead evaluation contractor 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 §238(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 fee for a visual inspection and dust wipe sampling inspections performed by a recommended Town lead evaluation contractor shall be in accordance with the contractor's fee schedule. All re-inspection fees, cancellation fees and any other miscellaneous fees shall be set by the individual lead evaluation contractor. All fees shall be paid directly to the lead evaluation contractor.

(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 Town's recommended lead evaluation contractor or the owner's private lead evaluation contractor shall be assessed 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 made to the Town of Dover and deposited into the Lead Hazard Control Assistance Fund. This fee shall be paid to the Town of Dover when the Lead Safe Certificate is provided to the town.

(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.

§238.3 Violations.

Penalties for violation of Chapter 238 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 2. 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 3. 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 4. This Ordinance shall take effect upon passage and publication in accordance within applicable law.

ATTEST:



Reynaldo Julve, Acting Municipal Clerk

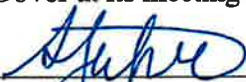


Carolyn Blackman, Mayor

ADOPTED: 12/29/2022

CERTIFICATION

I, Reynaldo Julve, Acting Municipal Clerk of the Town of Dover in the County of Morris, State of New Jersey, do hereby Certify that the foregoing Ordinance 39-2022 is a true copy of the Original Ordinance duly passed and adopted by the Mayor and Board of Aldermen of the Town of Dover at its meeting on 12/29/2022.



Reynaldo Julve
Acting Municipal Clerk