

ORDINANCE 23-10C

ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING A NEW CHAPTER 108, WHICH PERTAINS TO WHICH PERTAINS TO LEAD-BASED PAINT INSPECTIONS

STATEMENT OF PURPOSE

The purpose of the ordinance is to revise the fee provisions relating to Chapter 105.

SECTION I

§108-5A is repealed and replaced with the following.

- A. The fee shall be equal to the amount incurred by the Township for the third-party lead inspection services for each unit lead-based paint inspection, plus \$20, or the foregoing may be payable directly to the third-party at the discretion of the Township. Said fee shall be dedicated to meeting the costs of implementing and enforcing this Chapter and pursuant to Subsection 1 below and shall not be used for any other purpose. An owner who directly hires a private lead evaluation contractor pursuant to this Chapter shall not be required to pay the foregoing fee, except that the owner shall still be required to pay the \$20 per unit assessment as set forth in Subsection 1 below.
- (1) The \$20 per unit fee set forth above in Subsection A above is due whether or not the inspection is performed by a private lead evaluation contractor or the Township for each unit inspected by a certified lead evaluation contractor or permanent local agency for the purposes of the "Lead Hazard Control Assistance Act" (N.J.S.A. 52:27D-437.1, et seq.) concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20 pursuant to the provisions of section 10 of P.L. 2003, c. 311 (N.J.S.A. 52:27D-437.10). 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. The fees collected pursuant to this subsection shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to section 4 of P.L.2003, c.311 (N.J.S.A. 52:27D-437.4).

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance 23-10C was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, March 6, 2023, at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, April 3, 2023, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

Danielle La Valle, RMC
Municipal Clerk

First Reading: March 6, 2023
Publication: March 9, 2023
Second Reading: April 3, 2023
Final Publication: April 6, 2023
Effective: April 6, 2023

CERTIFICATION

I, **DANIELLE LAVALLE, RMC**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 23-10C was duly adopted by the Board of Commissioners at their meeting held on Monday, April 3, 2023, at 4:00 p.m.

Danielle La Valle, RMC
Municipal Clerk

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