

ORDINANCE 2022 -12

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING PART II (GENERAL LEGISLATION), ARTICLE 1 (ADMINISTRATION AND ENFORCEMENT) CHAPTER 183 (PROPERTY MAINTENANCE CODE) OF THE CODE OF THE BOROUGH OF CHESTER TO INCLUDE A NEW SECTION (LEAD-BASED PAINT INSPECTIONS IN RENTAL DWELLING UNITS) AND RECODIFYING SECTION NUMBERS TO ADJUST FOR SUCH ADDITION.

WHEREAS, On July 22, 2021, Governor Phil Murphy signed P.L. 2021, c. 182 (“the Act”) which requires periodic inspections for certain rental dwellings that were constructed prior to 1978 for the purpose of identifying lead-based paint hazards, one of the biggest sources of lead exposure for children.

WHEREAS, the New Jersey State Department of Community Affairs, Division of Codes and Standards is proposing a new Chapter, N.J.A.C. 5:28A (Lead-Based Paint Inspections in Rental Dwellings) (the “Chapter”) to incorporate the provisions of the Act.

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, the Mayor and Council of the Borough of Chester wish to adopt an ordinance incorporating and implementing the provisions of the Act and the proposed Chapter under Part II (General Legislation), Article I (Administration and Enforcement), Chapter 183 (Property Maintenance Code) of the Code of the Borough of Chester; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that Part II (General Legislation), Article I (Administration and Enforcement), Chapter 183 (Property Maintenance Code) of the Code of the Borough of Chester is hereby amended as follows:

SECTION 1: §183-16 (Demolition), §183-17 (Right to appeal; Code appeals board); and §183-18 (Violation and penalties) are hereby renumbered and assigned the following sections numbers:

§183-17 (Demolition)
§183-18 (Right to appeal; Code appeals board); and
§183-19 (Violation and penalties)

SECTION 2: Chapter 183 (Property Maintenance Code) shall be amended to include a new Section, §183-16 (Lead Based Paint Inspections in Rental Dwelling Units) as follows:

- A. This Section shall apply to all single-family, two-family and multiple rental dwelling units in the Borough except for the following (“Applicable Property”):
- (1) Dwellings that were constructed during or after 1978;
 - (2) Single-family and two-family seasonal rental dwellings which are rented for less than six months duration each year by tenants that do not have consecutive lease renewals;
 - (3) Dwellings that have a valid lead-safe certification pursuant to N.J.A.C. 5:17-3.16(b); and
 - (4) Multiple rental dwellings that are registered with the Department of Community Affairs and have been so registered for at least the last ten years and have no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1).
- B. Owners of Applicable Property shall register the Applicable Property with the Borough Clerk the sooner of (i) a tenant turnover, (ii) newly placing a property into the rental market, or (iii) July 22, 2024. Owners of Applicable Property shall also provide the Borough Clerk with up-to-date information on inspection schedules, inspection results, and tenant turnover, including copies of all inspection reports and lead-free certifications issued pursuant to N.J.A.C.5:17. The registration fee for each dwelling unit in an Applicable Property shall be \$20 per unit, which shall be deposited into the Lead Hazard Control Assistance Fund.
- C. Every Applicable Property shall be inspected for lead-based paint hazards upon the sooner of a tenant turnover or July 22, 2022, whichever occurs first; and then every three years thereafter or upon the next tenant turnover, whichever occurs first, unless a valid lead-safe certification has been issued for the dwelling. Owners of Applicable Property shall schedule timely inspections with the Borough or provide the Borough with an inspection report from a certified lead evaluation contractor. Owners of Applicable Property shall pay the Borough cost for the Borough to conduct or hire a certified lead evaluation contractor to perform inspections of the Applicable Property for lead-based paint hazards.
- D. An Owner of Applicable Property who fails to comply with the requirements of this Section shall be given 30 days-notice to cure the violation. Should a violation not be timely cured, a penalty not to exceed \$1000 per week until the required inspection has been conducted or remediation efforts have been initiated, shall be imposed against the owner.

SECTION 3: If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 4: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect upon passage and publication according to law.

Dated: November 1, 2022

Janet Hoven, Mayor

Attest:

Robin Ghebreel
RMC, Municipal Clerk

LEGAL NOTICE OF PENDING ORDINANCE

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 6th day of October 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on November 1, 2022 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

Robin Ghebreel
RMC, Municipal Clerk