

## **ORDINANCE 24-02**

### **AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN**

#### **CHAPTER 17 – FIRE PREVENTION AND PROTECTION**

#### **SECTION 18 – LEAD-BASED PAINT INSPECTIONS**

**WHEREAS**, it is in the public interest for the Borough of Matawan to establish minimum standards of accountability for the owners or other responsible parties in order to protect the health, safety, and general welfare of the residents and properties of the Borough of Matawan; and

**WHEREAS**, pursuant to New Jersey State adopted regulations, inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in NJSA 52:27D-437.1 et seq., and NJSA 55:13A-1 et seq.

**NOW, THEREFORE, BE IT ORDAINED**, the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that the following Chapter 17 – Fire Prevention and Protection, Section 18 – Lead-Based Paint Inspection, shall be amended and supplemented as follows:

#### **17-18 LEAD-BASED PAINT INSPECTIONS**

Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in NJSA 52:27 D-437.1 et seq., and NJSA 55:13A-1 et seq. 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:

- a. Has been certified to be free of lead-based paint;
- b. Was constructed after 1978;
- c. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violation from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law,” P.L. 1967, c76 (C55:13A-1 et seq.).
- d. Has a valid lead-safe certification.
  1. Required Inspections:
    - (a) General Inspection: The owner, landlord and/or agent of every rental dwelling unit offered for rental shall be required to have an inspection of the facility done by the Borough of Matawan Fire Prevention Bureau prior to the rental thereof. The Borough of Matawan Fire Prevention Bureau shall inspect every rental dwelling unit prior to any occupancy or reoccupancy of the dwelling.
    - (b) Lead-Based Paint Inspection: The owner, landlord and/or agent of every single-family, two-family and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or a tenant turnover, whichever is earlier.

2. Notice: Whenever any rental dwelling unit is scheduled for a change in occupancy, the then current owner shall provide written notice to the Borough of Matawan Fire Prevention Bureau than an inspection is needed at least 20 days prior to the scheduled change.
  
3. Time for Inspections: All inspections and reinspections shall take place within ten working days of the required inspection. Inspection fees shall be paid prior to the inspection. No inspections or reinspections shall take place unless all fees are paid. Scheduled inspections or reinspections may be canceled by the Borough of Matawan unless the completed application and required fees have been received by the Borough at least 24 hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection. Every inspection where the landlord, tenant, owner or agent has failed to provide access for inspection shall be deemed a failed inspection.
  
4. Fees for inspection: Lead-Based Paint Inspection: In addition to the General Inspection fees due pursuant to this Section, an additional fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this Subsection; \$20.00 of said fee shall be sent to the Lead Hazard Control Assistance Fund and shall not be used for any other purpose. Alternatively, 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 satisfy the requirements of Sec. 22-346(c)(1)(b), in which case no additional lead-based paint inspection fee shall be paid. In this case an administrative fee of \$40.00 shall be collected along with a fee of \$20.00 to be collected and sent to the Lead Hazard Control Assistance fund.

**BE IT FURTHER ORDAINED**, any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

**BE IT FURTHER ORDAINED**, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**BE IT FURTHER ORDAINED**, this Ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to New Jersey State law.

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| Introduced: | February 20, 2024 |
| Passed:     | February 20, 2024 |
| Adopted:    | March 5, 2024     |

(Signature on File)

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Honorable Joseph Altomonte, Mayor

**CERTIFICATION OF ORDINANCE**

I, Karen Wynne, Municipal Clerk of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Council of the Borough of Matawan on March 5, 2024.

**IN WITNESS WHEREOF**, I have hereunder set my hand and seal of the Borough of Matawan this 5<sup>th</sup> day of March, 2024.

(Signature on File)

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Karen Wynne, RMC  
Municipal Clerk