

**ORDINANCE NO. 2023-12**

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 11 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED ENTITLED “CERTIFICATES OF INSPECTION,” TO AMEND FEES FOR THE INSPECTION OF RENTAL PROPERTIES AND TO PROVIDE FOR THE ADMINISTRATION OF THE REQUIREMENTS IMPOSED BY THE STATE OF NEW JERSEY FOR LEAD PAINT INSPECTIONS OF CERTAIN RESIDENTIAL RENTAL DWELLINGS AND TO ESTABLISH FEES FOR INSPECTIONS**

**BE IT ORDAINED**, by the Township Committee of the Township of Plumsted, County of Ocean, State of New Jersey as follows:

**SECTION 1.** Chapter 11 of the General Ordinances of the Township of Plumsted entitled “Certificates of Inspection,” Article I, entitled “Rental Property,” Section 8, entitled “Fees,” Subsection A, entitled, “Amounts,” Subsection (1)(a) is hereby amended and supplemented as follows:

- (1)(a) Each dwelling unit (including smoke alarm and carbon monoxide certifications) and each commercial unit: ~~one hundred twenty five dollars (\$125)~~ one hundred fifty dollars (\$150) per unit every two (2) years. In the event violations are found the first reinspection will be fifty dollars (\$50); second reinspection—seventy-five dollars (\$75); third reinspection—Summons issued. A change in occupancy fee would be eighty dollars (\$80).

**SECTION 2.** Chapter 11 of the General Ordinances of the Township of Plumsted entitled “Certificates of Inspection,” is hereby amended and supplemented so as to create a new Article 3, entitled “Lead-Based Paint Inspection for Residential Rental Dwellings,” which shall read as follows:

**Article 3. Lead-Based Paint Inspections for Residential Rental Dwellings**

**§11-17. Lead-Based Paint Inspections for Residential Rental Dwellings.**

New Jersey law (P.L. 2021, c.182) requires that a certified lead evaluation contractor perform inspections of certain single-family, two-family, and multi-family residential rental dwellings for lead-based paint hazards. The dwelling owners/landlords are required by State law to have the inspection performed by either an inspector retained by the Township or by directly hiring a certified lead evaluation contractor for this purpose. The fee for an inspection by a Township retained inspector is set forth in Section 11-21 below.

**§11-18. Requirement for Lead-Based Paint Inspection.**

- A. All residential rental dwelling units required to be inspected under State law must initially be inspected for lead-based paint upon tenant turnover, but the first inspection must take place no later than July 22, 2024, in the event there has been no tenant turnover before that date.
- B. After the initial inspection, all units required to be inspected shall be inspected for lead-based paint hazards every two (2) years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate. Lead-safe certificates are valid for two (2) years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the two (2) year inspection.

**§11-19. Exemptions from the Requirement for Lead Based Paint Inspections.**

All single-family, two-family, and multiple rental dwellings must be inspected except for the following dwellings, which are exempt:

- A. Dwellings that were constructed during or after 1978.
- B. Single-family and two-family seasonal rental dwellings which are rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals.
- C. Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b).
- D. Multiple rental dwellings that have been registered with the Department of Community Affairs for at least ten (10) 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).
- E. Dwellings with a valid lead-safe certificate issued pursuant to P.L. 2021, c.182. Lead-safe certificates are valid for two (2) years from the date of issuance.

**§11-20. Reporting Requirements for Owners/Landlords and Contractors.**

- A. Owners/Landlords of all dwellings subject to the inspection requirements under this subsection shall register their unit(s) with the Township and provide the Township with up-to-date information on inspection schedules, inspection results, and tenant turnover.

- B. A copy of all lead-safe certifications issued for property located in the Township of Plumsted shall be provided to the Township by the evaluation contractor.
- C. An Owner/Landlord shall provide the Township with a copy of any lead-free certification issued pursuant to N.J.A.C. 5:17 for their unit(s).

**§11-21. Fees for Lead-Based Paint Inspection for Residential Rental Dwellings.**

The fees for lead-based paint inspections in residential rental dwellings shall be:

- A. New Jersey Certified Lead Paint Inspector/Risk Assessor Inspection: \$500
- B. NJ DCA Required Inspection Fee: \$20/inspection
- C. Lead Wipe Sample Analysis (where required). The number of wipe samples will be determined by the State of New Jersey.

**§11-22. Violations and Penalties.**

- A. A property owner/landlord within the Township of Plumsted shall comply with the requirements of P.L. 2021, c.182 and this Article. If a Township Official determines that a property owner has failed to comply with the inspection requirements of this Article, the property owner shall be given a thirty (30) day notice to cure any violation by ordering the necessary inspection or by initiating remediation. If the dwelling owner has not cured the violation within thirty (30) days, the owner shall be subject to a penalty not to exceed one thousand (\$1,000) dollars per week until the required inspection has been conducted or remediation efforts initiated.
- B. Any other violation of the provisions of this Article shall be subject to a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars for each offense.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

**SECTION 6.** This ordinance shall take effect after second reading and publication as required by law.

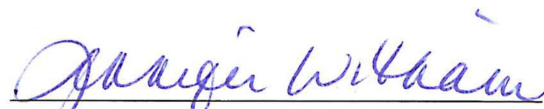
| NAME    | CUOZZO            | GRILLETTO         | HAMMERSTONE       | MARINARI          | BOWEN             |
|---------|-------------------|-------------------|-------------------|-------------------|-------------------|
| AYES    | 9/7/23<br>10/5/23 | 9/7/23<br>10/5/23 | 9/7/23<br>10/5/23 | 9/7/23<br>10/5/23 | 9/7/23<br>10/5/23 |
| ABSTAIN |                   |                   |                   |                   |                   |
| NAYS    |                   |                   |                   |                   |                   |
| ABSENT  |                   |                   |                   |                   |                   |

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the **7th** day of **SEPTEMBER, 2023** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **5th** day of **OCTOBER, 2023** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to increase the fee for the two-year inspection of a dwelling unit to include the NJ DCA Required Inspection Fee for lead-based paint inspections, and to provide for lead-based paint inspections and fees for residential rental dwellings.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.

  
**JENNIFER WITHAM, RMC, CMR**  
**MUNICIPAL CLERK**