

**TOWNSHIP OF LONG HILL
ORDINANCE 511-23
SETTING FEES FOR LEAD PAINT INSPECTIONS AND SUPPLEMENTING AND AMENDING
CHAPTER 16 OF THE TOWNSHIP CODE ENTITLED "PROPERTY MAINTENANCE"**

WHEREAS, *N.J.S.A. 52:27D-437.16* requires local housing inspection agencies to "inspect every single-family, two-family and multiple rental dwellings located within the municipality at tenant turnover for lead-based paint hazards or within two years of the effective date of [the statute]" and goes on to provide that "thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-based certification pursuant to [the statute]"; and

WHEREAS, the statute goes on to provide that, "the municipality charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection,"; and

WHEREAS, the statute also provides that fees established pursuant to this subsection shall be dedicated to meeting the costs of implementing and enforcing the law and shall not be used for any other purpose;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill, in the County of Morris,, State of New Jersey, that Chapter 16 of of the Township Code Entitled "Property Maintenance" is hereby supplemented and amended as follows:

Section 1. There is hereby created a new Section 16-10 entitled "Lead-Based Paint Hazard Inspections of Rental Properties Constructed Prior to 1978" which reads as follows:

**"16-10 LEAD-BASED PAINT HAZARD INSPECTIONS OF RENTAL PROPERTIES
CONSTRUCTED PRIOR TO 1978"**

16-10.1 Lead-based Hazard Inspections of Rental Properties Constructed Prior to 1978.

In accordance with the requirements of *N.J.S.A. 52:27D*, which is incorporated herein by reference, every single-family, two-family and multiple rental dwelling located within Township of Long Hill that was constructed prior to 1978, shall be inspected by the Township Code Enforcement Officer for lead-based paint hazards within two years of the effective date of *N.J.S.A. 52:27D-437.16*, or upon tenant turnover, whichever is sooner.

Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-based certification pursuant to *N.J.S.A. 52:27D-437.16*.

16-10.2 Fees.

The fee for a lead-based paint inspection shall be \$50.00 per rental unit inspected, payable at the time of the application for a lead-safe certification. All fees collected shall be dedicated to meeting the cost of implementing and enforcing inspections and shall not be used for any other purpose. In addition, there shall be an additional fee of \$20.00 per unit inspected, that shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to *N.J.S.A. 52:27D-437.4*, unless the Department of Community Affairs has already assessed an additional inspection fee of \$20 pursuant to the provisions of *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.

16-10.3 Violations and Penalties.


Any person, firm or corporation who violates any provision of this section shall, upon conviction, be liable to the penalties set forth in Chapter 1, Section 1-5 of this Code.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST


Megan Phillips, RMC


Scott Lavender, Mayor

First Reading and Introduction: February 22, 2023

1st Publication: Morris Daily Record February 25, 2023

Second Reading and Adoption: March 8, 2023

2nd Publication: Echoes Sentinel March 16, 2023