

**TOWNSHIP OF MAPLE SHADE
COUNTY OF BURLINGTON
STATE OF NEW JERSEY**

ORDINANCE NO. 2023-13

**AN ORDINANCE OF THE TOWNSHIP OF MAPLE SHADE, IN THE COUNTY OF
BURLINGTON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING
CHAPTER 152 OF THE TOWNSHIP CODE REGARDING REQUIREMENTS FOR
INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL
DWELLINGS**

WHEREAS, the Township of Maple Shade (the "Township") maintains Chapter 152 entitled "Property Maintenance" of the Township Code, specifically the Property Maintenance Code; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, and two-family, and multiple rental dwellings located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and,

WHEREAS the Township has previously adopted Ordinance 2022-11 in accordance with State Law; and

WHEREAS, the Township of Maple Shade wishes to amend the Township Code to better reflect changes and guidance from the State of New Jersey regarding Lead Base Paint Inspections.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Maple Shade, County of Burlington, State of New Jersey that:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 152 of the Township Code, entitled "Property Maintenance" shall be hereby amended and supplemented as follows:

Article II. Lead-Based Paint Inspections.

§ 152-100. **Required Initial 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 within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

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§ 152-101. Required Recurring Inspection. After the initial inspection required by Section 152-100, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

§ 152-102. Standards. Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

§ 152-103. Exceptions. 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, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint;
- b. was constructed during or after 1978; or
- 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 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, et seq.
- d. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§ 152-104. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

§ 152-105. If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Township's Code Enforcement Officer. The Township Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

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§ 152-106. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Maple Shade at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- c. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

§ 152-107. Fees

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$750.00 shall be paid for each lead-based paint inspection performed by the municipality. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection 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 Section 152-100 in which case no additional Lead-Based Paint inspection fee shall be paid.
- b. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.00.
- c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
- d. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Township's Lead Inspector or the owner and/or landlord's private lead inspector shall be assessed for the purposes of the Ace, unless the owner and/or landlord demonstrates that the New Jersey Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

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§ 152-108. Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

- a If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- b If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply on to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

Introduction: July 20, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes			x			
Schmidt			x			
Volpe		x	x			
Wiest	x		x			
Kauffman			x			

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CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on August 24, 2023

Andrea T. McVeigh, RMC

Adopted: August 24, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes			x			
Schmidt	x		x			
Volpe			x			
Wiest		x	x			
Kauffman			x			