

COUNTY OF SUSSEX
TOWNSHIP OF MONTAGUE
ORDINANCE 2022-14

AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF
NEW JERSEY, AMENDING CHAPTER 54B OF THE TOWNSHIP CODE TO MANDATE
INSPECTIONS OF CERTAIN RENTAL PROPERTIES FOR LEAD-BASED PAINT

WHEREAS, the Township of Montague conducts periodic inspections of rental units on an annual basis for the purpose of determining zoning compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, the Uniform Construction Code, the Housing Code, the Building Code and the Uniform Fire Safety Act; and

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

WHEREAS, the method of lead-based paint hazard inspection ('Method of Inspection') required to be implemented by a municipality, either a visual inspection or a dust wipe sampling, is based upon the percentage of children with an elevated blood lead level in the municipality; and

WHEREAS, pursuant to N.J.S.A. 26:2-137.6, the data that determines the Method of Inspection required for a given municipality is generated by the New Jersey Department of Health on an annual basis and, pursuant to this data, the Township of Montague is required to implement only the less cumbersome visual inspection for lead-based paint hazards; and

WHEREAS, the Mayor and Township Committee of the Township of Montague find there is a substantial interest in furthering the public health, safety, and welfare to amend the Township Municipal Code at this time to require inspections for lead-based paint hazards in residential rental dwellings to conform with State law.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Montague, County of Sussex and State of New Jersey as follows:

I. § 54B Rental Properties Registration, Licensing and Inspection.

(1) is amended to read as follows:

(1) § 54B-7 Periodic Inspections

A. Regular Inspections

1. Each rental unit shall be inspected at least once every twelve-month period.

2. Such inspections shall be performed by such person, persons, or agency duly authorized and appointed by the Township of Montague and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township of Montague shall not be used as a valid substitute.
3. Such inspections shall be for the purpose of determining zoning compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, the Uniform Construction Code, the Housing Code, the Building Code and the Uniform Fire Safety Act.
4. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered nor shall a license issue and the owner of the property or his agent shall not lease or rent such property nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 60 days; and if not made within that time period, the owner shall be deemed in violation of this chapter and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of Section 54B-18 of this chapter.

B. Lead-based Paint Inspections

1. 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. 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 during or 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 violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);
 - (d) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 - (e) has a valid lead-safe certification.
2. Where not otherwise exempted from lead-based paint inspections pursuant to this Section, the owner, landlord, and/or agent of every single-family, two-family, and/or multiple

NOT ADOPTED

dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier.

3. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Montague. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead-based paint inspection services by the New Jersey Department of Community Affairs to satisfy the requirements of Sec. 22-346(c)(1)(b).
4. For each lead-based paint inspection conducted by the Township, a fee in the amount of \$200.00 shall be paid to the Township by the owner, landlord, and/or agent of the inspected rental unit. Said fee shall be in addition to any other fees due pursuant to this Section, and said fee shall be dedicated to meeting the costs of implementing and enforcing this Section and shall not be used for any other purpose. In the case that the owner, landlord, and/or agent of a rental unit directly hires a private lead evaluation contractor to conduct its own lead-based paint inspection, no inspection fee shall be paid to the Township, but the results of the inspection shall be provided to the Township.

Codification. This Ordinance may be renumbered for codification purposes.

Inconsistency. All Ordinances of the Township of Montague which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Partial Invalidity. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Effect Date. This Ordinance shall take effect immediately following adoption and publication as required by law.

Adopted:

ATTEST:

Eileen DeFabiis, RMC/CMR

Richard E. Innella, Mayor

RECORD OF COMMITTEE VOTES				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JOSEPH KRUMPFER				
JAMES LEDONNE				
FRED MERUSI				
GEORGE ZITONE				

NOT ADOPTED

MAYOR RICHARD INNELLA				
-----------------------	--	--	--	--

NOT ADOPTED