

First Reading:	02-06-2025
Publication:	02-13-2025
Second Reading:	02-20-2025
Publication:	02-27-2025

ORDINANCE NO. 2807

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED “BUILDING AND CONSTRUCTION” ESTABLISHING A NEW SECTION 2, ENTITLED “LEAD-BASED PAINT INSPECTIONS”

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities within the State of New Jersey are now required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards, with certain exceptions; and,

WHEREAS, it is in the best interests of the residents of the Borough of Roselle Park to amend the Borough Code to require inspections for lead-based paint in residential rental dwellings to conform with state law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 16 of the Code of the Borough of Roselle Park be and hereby is amended and supplemented as follows:

SECTION 1. Section Title

§ 16-2 Lead-Based Paint Inspections.

SECTION 2. Definition of Terms

§ 16-2.1 Definitions.

COMMON INTEREST COMMUNITY

A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

LEAD INSPECTOR or LEAD EVALUATION CONTRACTOR (Interchangeable)

A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq. This includes the ability to perform dust wipe sampling.

LEAD-BASED PAINT HAZARD

Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD-FREE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

VISUAL ASSESSOR

A person that is certified to perform a visual assessment.

SECTION 3. Outline of Inspection Operations

§ 16-2.2 Inspections, Requirements, and Fees.

- a. A lead evaluation contractor for the Borough of Roselle Park shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough of Roselle Park for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.**
- b. The property owner or landlord may, in lieu of having the dwelling inspected by the Borough's lead evaluation contractor, directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.**
- c. In accordance with N.J.S.A. 52:27D-437.16(c), 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:**
 - 1. Has been certified to be free of lead-based paint;**
 - 2. Was constructed during or after 1978;**
 - 3. Is in a multiple dwelling that has been reregistered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or 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, see N.J.S.A. 55:13A-1 et seq.;**

4. **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,**
 5. **Has a valid lead-safe certification.**
- d. **The owner, landlord, and/or agent of every single-family, two-family, or multiple rental 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.**
 - e. **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 Borough's lead evaluation contractor, 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.**
 - f. **If no lead-based paint hazards are identified, the Borough's lead inspector 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.**
 - g. **In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:**
 1. **Provide evidence of a valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection.**
 2. **Provide evidence of a valid lead-safe certification obtained pursuant to this Section 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.**
 3. **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.**
 - h. **The fees for lead-based paint inspection shall be as follows:**
 1. **The fee for a visual assessment shall be \$250.00 per unit performed by the Borough's lead evaluation contractor.**
 2. **The municipal filing fee lead-safe certification or lead-free certification shall be \$20.00 per unit.**
 3. **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.**

4. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Borough's lead evaluation contractor, or the owner's private lead inspector, shall be assessed for the purposes of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1 et, seq.) unless the unit owner demonstrates that the 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 under the administration of the New Jersey State Department of Community Affairs.
5. The fee for a reinspection or clearance shall be \$295.00 per unit.
6. The fee for an XRF (X-Ray Florescence) lead inspection shall be \$150.00 per unit.
7. Hard copies of inspection reports shall be \$50.00 per report.

SECTION 4. Enforcement

§ 16-2.3 Violations and Penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of § 319-20D and F 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 5. Invalidity

If any section or portion of a section of this Ordinance shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 6. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 7. Captions and Editing Indications.

Any captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, editing indications are structured such that all strikethrough text, ~~thusly~~, should be considered a deletion from existing Borough Code, and all bolded text, **thusly**, should be considered an addition to existing Borough Code.

SECTION 8. Effective Date.

This Ordinance shall become effective upon publication of the Notice of Final Adoption prepared by the Office of the Borough Clerk.

Introduction: December 5, 2024

Adoption: December 19, 2024

Attest: _____
 Andrew J. Casais, RMC
 Borough Clerk

 Joseph Signorello III
 Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson				X
Signorello	X			
Robaina				X
Lyons	X			
Patel				X

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson	X			
Signorello	X			
Robaina	X			
Lyons	X			
Patel	X			

Copy To: **Richard Belluscio (Construction Official; Department of Code Enforcement)**