

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY
ORDINANCE #22-12

This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on **November 22, 2022**. It will be further considered for final passage after public hearing thereon, at a Public Meeting of said Borough Council to be held in the Town Hall, in said Borough, on **December 13, 2022** at 7:30 PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

LAURA J. LYONS
Municipal Clerk

**Borough of Oradell
County of Bergen
State of New Jersey**

ORDINANCE #22-12

**AN ORDINANCE AMENDING CHAPTER 85, SECTION 2 ENTITLED
"CERTIFICATES OF CONTINUED OCCUPANCY – CERTIFICATE REQUIRED"**

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required 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, it is in the best interest of the residents of the Borough of Oradell to amend the Borough Code at this time to require inspections for lead-based paint in residential rental dwellings and conform to State law.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Oradell that Chapter 85, Section 2 of the Code entitled "Certificate Required" is hereby amended as follows:

§ 85-2.1 Certificate required.

A.

No person shall occupy a building or portion thereof for a commercial or industrial purpose after said building or portion thereof has been vacated due to the sale of said industrial or commercial property or for which there has been a change in use or change in tenancy or occupancy until the owner of said premises has applied for and secured a certificate of continued occupancy.

B.

No person shall occupy a building or portion thereof for residential purposes after said building or portion thereof has been vacated due to the sale of said residential property or for which there has been a change in use or change in tenancy or occupancy until the owner of said premises has applied for and secured a certificate of continued occupancy.

§ 85-2.2 Lead Based Paint Inspections.

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:

- (i) has been certified to be free of lead-based paint;
- (ii) was constructed during or after 1978;

- (iii) 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.)
- (iv) 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
- (v) has a valid lead-safe certification.

(1) Required Inspections:

(a) General Inspection: The owner, landlord and/or agent of every rental dwelling unit offered for rental shall be required to have an inspection of the facility done by the rental inspection officer prior to the rental thereof. The rental inspection officer shall inspect every rental dwelling unit prior to any occupancy or reoccupancy of the dwelling.

(b) Lead-Based Paint 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 every three years, or at tenant turnover, whichever is earlier.

(2) Notice: Whenever any rental dwelling unit is scheduled for a change in occupancy, the then current owner shall provide written notice to the rental inspection officer that an inspection is needed at least 20 days prior to the scheduled change.

(3) Time for inspections: All inspections and reinspections shall take place within ten working days of the requested inspection. Inspection fees shall be paid prior to the inspection. No inspections or reinspections shall take place unless all fees are paid. Scheduled inspections or reinspections may be canceled by the Borough unless the completed application and required fees have been received by the Borough at least 24 hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection. Every inspection where the landlord, tenant, owner or agent has failed to provide access for inspection shall be deemed a failed inspection.

(4) Fees for inspections: Lead-Based Paint inspection: In addition to the General Inspection fees due pursuant to this section, an additional fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection; \$20.00 of said fee shall be sent to the Lead Hazard Control Assistance Fund 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 Sec. 22-346(c)(1)(b), in which case no additional Lead-Based Paint inspection fee shall be paid.

In this case an administrative fee of \$40 shall be collected along with a fee of \$20 to be collected and sent to the Lead Hazard Control Assistance fund.

NOW THEREFORE BE IT FURTHER ORDAINED, that all other ordinances inconsistent herewith are hereby repealed; and

NOW THEREFORE BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication as required by law.