



2022
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN	✓			
HARVILLA	✓			
ROSSILLO	✓			
RUSSELL				✓
STEWART	✓			
WRIGHTINGTON	✓			
MAYOR LaBRUNO				
TOTALS	5			1

Ordinance No. 1613

Date: October 25, 2022

Page: 1 of 4

Subject: Lead-Based Paint Inspection Fees

Purpose: Amend Chapter 455-30 of Borough Code

Dollar Amount: _____

Prepared By: Marc Leibman, Esq.

Offered by: _____
Seconded by: _____

Stewart
Gorman

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek
Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF
NEW JERSEY, AMENDING CHAPTER 455-30 OF THE BOROUGH CODE
– LEAD-BASED PAINT INSPECTION FEES**

§ 455-30 Certificates of occupancy.
[Added by Ord. No. 1050]

- A. The Building Inspector shall not issue a certificate of occupancy for any building, structure or unit which does not conform to the state construction codes and provisions of this chapter.
- B. Such certificate of occupancy shall be either granted or denied by the Building Inspector within 15 days after the application is made. In case the Building Inspector shall decline to issue a certificate of occupancy, his reason for so doing shall be stated on the copies of the application and one copy thereof returned to the applicant.
- C. All buildings and structures require the same certificate of occupancy as those granted in the case of other structures under the provisions of said chapter.
- D. In the event that any business, commercial building, residential unit or other structure has been sold or re-rented for any purpose, the Building Inspector shall have the privilege and responsibility, with consent of the tenant in possession or of the owner of said building or structure or the duly authorized agent of the owner to inspect said building, structure or residential unit to be rented or sold to determine whether any violations exist within the purview of the construction codes of the State of New Jersey and the ordinances duly adopted by the Borough of Dumont.
- E. In the event that any business, building, structure or residential unit is to be sold or re-rented, the owner or seller of said building, structure or residential unit to be sold or re-rented shall, where possible, notify the Building Inspector of said proposed sale or rental 30 days prior to execution of either the sale or rental. Notice shall be made, in writing, to the Building Inspector.
- F. New Jersey's Lead-Based Paint Inspection Law, promulgated by N.J.S.A. 52:27D-437.20a, N.J.A.C. 5:28A and P.L. 202, c 182 require all municipalities within the State to arrange for lead paint testing in all residential rental housing within two years of July 22, 2022, and subsequent inspections as set forth in the law, every three years with exceptions as follows:
 - (i) Dwellings constructed during or after 1978
 - (ii) Dwellings certified to be free of lead-based paint in accordance with regulations under the New Jersey Administrative Code N.J.A.C. 5:17-3.6(b)
 - (iii) Dwellings with a valid lead safe certification issued pursuant to the law, which is valid for two years
 - (iv) One- and two-family dwellings rented for less than six months which do not have consecutive lease renewals
 - (v) Multiple dwelling which has been registered with the Department of Community Affairs for at least ten years with no outstanding lead violations from the most recently cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law."

G. Within two years of July 22, 2022, or upon tenant turnover (whichever is sooner), every owner of residential rental property within the Borough shall apply for an inspection by a municipal inspector or, alternatively, directly hire a qualified lead evaluation contractor to perform the inspection required by law and provide a certificate confirming the lack of a lead hazard

H. The fee for the municipal visual inspection shall be \$100.00 and shall be accompanied by an additional \$20.00 fee in a separate check (or cash) to be collected by the Borough and deposited into the Lead Hazard Control Assistance Fund in accordance with the Law. The \$20.00 fee to be deposited into the Lead Hazard Control Assistance Fund shall be collected prior to the issuance of a certificate of occupancy for a property owner who has hired a qualified lead evaluation contractor. If lead based paint hazards are found during the course of a visual inspection the owner of a dwelling may request a dust wipe inspection to confirm or refute the presence of lead-based paint. The fee for such inspection by the Borough shall be \$250 plus the cost of laboratory testing. Alternatively, the owner of the dwelling can hire a qualified Lead Evaluation Contractor to confirm or refute the presence of lead-based paint.

I. In the event a lead hazard is discovered during inspection no certificate of occupancy shall be issued until such condition has been abated and confirmed following re-inspection. If a lead hazard is discovered in a structure with two or three housing units, all of the units shall be promptly inspected (and Borough fee and Lead Hazard Control fee paid) as set forth in N.J.A.C. 5:28A-1 et seq. The re-inspection fee shall be \$250.00 plus the actual cost of laboratory testing and shall be conducted through dust wipe sampling as required by the New Jersey Administrative Code. Alternatively, the owner of the dwelling can hire a qualified Lead Evaluation Contractor to confirm or refute the presence of lead-based paint.

J. Remediation of any lead hazard found is required either through abatement or interim controls as set forth in N.J.A.C. 5:28A-2.5 et seq.

K. The Building Department shall maintain a record of all dwellings in the Borough subject to the Lead Paint Inspection Law, which shall include up to date information on inspection schedules, inspection results and tenant turnover. The Building Department shall also maintain a record of all lead safe certifications issued pursuant to N.J.A.C. 5:17.

L. Any Lead Evaluation Contractor who performs an inspection within the Borough shall provide, to the Building Department, a copy of any lead safe certifications issued or report of lead hazard.

M. Failure to remediate a lead hazard within 30 days of notice and demand from the Building Department shall result in the imposition of a penalty not to exceed \$1,000 per week and shall be enforced pursuant to the provisions of the New Jersey Administrative Code.

O. Definitions. The Definitions set forth in the New Jersey Administrative Code, section 5:28A-1.2 are adopted herein.

This Ordinance shall be effective upon passage and publication as required by law.

Attest:

Jeanine E. Siek, RMC
Municipal Clerk

Andrew LaBruno, Mayor

Introduced: October 25, 2022
Adopted: