

ORDINANCE NO. 09- 2023

AN ORDINANCE AMENDING AND SUPPLEMENTING THE MARGATE CITY MUNICIPAL CODE CHAPTER 223, PROPERTY MAINTENANCE; §223-3, REGISTRATION AND INSPECTION OF CERTAIN RENTAL UNITS, APARTMENTS AND DWELLING UNITS TO IMPOSE INSPECTION REQUIREMENTS FOR LEAD BASED PAINTS

WHEREAS, in July of 2021, Governor Murphy signed into law P.L. 2021, c. 182, which legislation amended the Lead Hazard Assistance Act (N.J.S.A) 52:27D-437.1, et seq.) as same pertains to lead-paint hazards in residential properties; and

WHEREAS, the aforesaid legislation requires municipalities to either perform inspections of certain single-family, two-family and multiple rental dwellings for lead-based hazards, or to permit the dwelling owner or landlord to directly hire a certified lead evaluation contractor; and

WHEREAS, Chapter 223 of the City's Code currently contains ordinances which provide oversight and control of the residential rental units in the City; and

WHEREAS, the Board of Commissioners of the City of Margate City is desirous of amending and supplementing these ordinances so as to enact a program requiring inspections on certain rental units to alleviate lead-based paint hazards in certain rentals.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Margate City, in the County of Atlantic, State of New Jersey, as follows:

1. Chapter 223-4.1, Lead-Based Paint Evaluation Report.

A. At the time of the filing of the License Application referred to in Subsection 223-2 *et seq.*, or at the time of any License amendment due to tenant turnover, every owner shall present to the Code Enforcement Office notice of the last tenant turnover date, as well as a valid lead-based paint evaluation unless specifically exempt as hereinafter provided. No License shall be issued by the City until this lead-based paint evaluation has been provided to the City's satisfaction.

B. Should the evaluation report identify lead-based hazards, then the owner shall remediate the hazards through abatement or lead-based hazard control mechanisms. The remediation shall be confirmed through a subsequent lead-based hazard inspection. The identification of a lead-based hazard will result in the City, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.

C. In the event that the inspection of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered and shall not be licensed and the owner of the property or agent shall not lease or rent or allow occupancy or such property nor shall any tenant occupy such property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code requirements pertaining to lead-based paint.

D. If there are no findings of lead-based paint hazard in the initial or any subsequent inspection conducted, the lead-based paint evaluation inspector or representative of the City shall certify the unit as lead-safe on a form prescribed by the Department of Community Affairs. This lead-safe certificate shall be valid for three years. A copy of the certificate shall be provided to tenants of the unit at inspection.

E. Notwithstanding the provisions of Subsections A-D above, a dwelling unit, a single family, two family or rental dwelling shall not be subject to inspection evaluation for the presence of lead-based paint hazards if the unit:

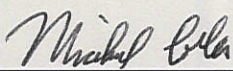
1. Has been certified to be free of lead-based paint;
2. Has previously been inspected and three years will not have passed

before the next required registration of the property and there has not been a tenant turnover since the last inspection;

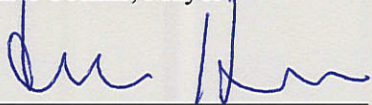
3. Was constructed during or after 1978;
4. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years either under the current owner or a previous owner and has no outstanding lead violations for the most recent cyclical inspection performed in the multi-dwelling under the Hotel Multiple Dwelling law, *N.J.S.A 50:13A-1 et seq.*
5. Is a single family or two family seasonal rental dwelling which is rented for less than six (6) months during each year by tenants that do not have consecutive lease renewals.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

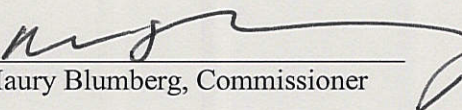
SECTION 3: This ordinance shall take effect upon its final passage and publication as required by law.



Michael Collins, Mayor



Cathy Horn, Commissioner



Maury Blumberg, Commissioner

Board of Commissioners of the City of Margate City, NJ

Introduction: June 15, 2023
Published: June 22, 2023
Enactment: July 6, 2023
Published: July 13, 2023

