

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon (“Borough”) desires to add to its municipal Code, specifically Part II General Legislation therein, a new Chapter 137 titled “Lead-Based Paint Inspection for Residential Rental Dwellings” as required by law.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby supplemented with a new Chapter 137, titled “Lead-Based Paint Inspection for Residential Rental Dwellings”, which shall read as follows:

Chapter 137

Lead-Based Paint Inspection for Residential Rental Dwellings

§ 137-1 Inspections required; fees.

- A. New Jersey law (P.L. 2021, c. 182) requires that a certified lead evaluation contractor perform inspections of certain single-family, two-family, and multifamily residential rental dwellings for lead-based paint hazards. The dwelling owners/landlords are required by state law to have the inspection performed by either an inspector retained by the Borough or by directly hiring a certified lead evaluation contractor for this purpose.
- B. The fee for an inspection by a Borough-retained New Jersey certified lead paint inspector is \$550.
- C. NJ DCA required inspection fee: \$20 per inspection.

§ 137-2 Timeframes for inspection.

- A. All residential rental dwelling units required to be inspected under state law must initially be inspected for lead-based paint upon tenant turnover, but the first inspection must take place no later than July 22, 2024, in the event there has been no tenant turnover before that date.
- B. After the initial inspection, all units required to be inspected shall be inspected for lead-based paint hazards every three years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate. Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection.

§ 137-3 Exemptions.

All single-family, two-family, and multiple rental dwellings must be inspected except for the following dwellings, which are exempt:

- A. Dwellings that were constructed during or after 1978.
- B. Single-family and two-family seasonal rental dwellings which are rented for less than six months' duration each year by tenants that do not have consecutive lease renewals.
- C. Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.6(b).
- D. Multiple rental dwellings that have been registered with the Department of Community Affairs for at least 10 years and have no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.).
- E. Dwellings with a valid lead-safe certificate issued pursuant to P.L. 2021, c. 182. Lead-safe certificates are valid for two years from the date of issuance.

§ 137-4 Reporting requirements for owners/landlords and contractors.

- A. Owners/Landlords of all dwellings subject to the inspection requirements under this chapter shall register their unit(s) with the Borough and provide the Borough with up-to-date information on inspection schedules, inspection results, and tenant turnover.
- B. A copy of all lead-safe certifications issued for property located in the Borough of Kinnelon shall be provided to the Borough by the evaluation contractor.
- C. An owner/landlord shall provide the Borough with a copy of any lead-free certification issued pursuant to N.J.A.C. 5:17 for their unit(s).

§ 137-5 Violations and penalties.

- A. A property owner/landlord within the Borough of Kinnelon shall comply with the requirements of P.L. 2021, c. 182 and this chapter. If a Borough official determines that a property owner has failed to comply with the inspection requirements of this chapter, the property owner shall be given a thirty-day notice to cure any violation by ordering the necessary inspection or by initiating remediation. If the dwelling owner has not cured the violation within 30 days, the owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts initiated.
- B. Any other violation of the provisions of this chapter shall be subject to a fine of not less than \$50 nor more than \$500 for each offense.

SECTION 2. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, RMC, Borough Clerk

James J. Freda, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on _____ and adopted by the Governing Body at a regular meeting of the Borough held on _____.

Karen M. Iuele, RMC,

Borough Clerk

LEGAL NOTICE

BOROUGH OF KINNELON, MORRIS COUNTY

ORDINANCE NO. _____

Notice is hereby given that an Ordinance entitled “An Ordinance Adding a New Chapter 137 Titled “Lead-Based Paint Inspection for Residential Rental Dwellings” to the Borough of Kinnelon Code” was submitted in writing at a regular meeting of the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey, held on _____, 2024 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The governing body of the Borough of Kinnelon will further consider the ordinance for second reading and final passage thereof at their regular meeting to be held on _____, 2024 at 7:00 p.m. prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the governing body and all parties in interest and citizens shall have an opportunity to be heard concerning said ordinance.

STATEMENT OF PURPOSE OF ORDINANCE

The purpose of the above Ordinance is to adopt a requirement that rental residential dwellings be inspected for lead-paint as required by State law.

A copy of the full Ordinance is available to any member of the general public without cost, at the Borough of Kinnelon Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, at the Office of the Borough Clerk, between the hours of 9:00 a.m. and 3:00 p.m.

Karen M. Iuele, RMC, Borough Clerk
Borough of Kinnelon
County of Morris, State of New Jersey