

ORDINANCE NO. 24-32-OAB

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER XII,  
ENTITLED "PROPERTY MAINTENANCE" SO AS TO  
AMEND SECTION 12-6, ENTITLED "LEAD-BASED PAINT  
INSPECTIONS"**

**May 20, 2024**

**SECTION 1.** Chapter 12 of the Township Code of the Township of Berkeley, entitled "Property Maintenance," is hereby amended and supplemented so as to create §12-6, entitled "Lead-Based Paint Inspections", which shall now read as follows:

**§12-6 Lead-Based Paint Inspections.**

**§ 12-6.1. Required Initial 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 within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

**§ 12-6.2. Required Recurring Inspection.**

After the initial inspection required by Section 12-6.1, the owner, landlord and/ or agent of such 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, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

**§ 12-6.3. Standards.**

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., as may be amended from time to time.

**§ 12-6.4. Exceptions.**

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, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint;
- b. was constructed during or after 1978; or
- c. 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", N.J.S.A. 55:13A-1, et seq.

- d. 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
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

#### **§ 12-6.5. Hazards Identified.**

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 Township Code Enforcement Officer or designee, 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.

#### **§ 12-6.6. No Hazards Identified.**

If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or designee 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 and shall be filed with the Township's Code Enforcement Officer. The Township Code Enforcement Officer shall maintain up-to- date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

#### **§ 12-6.7. Certification; Records.**

In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Berkeley at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification 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.
- c. 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.

#### **§ 12-6.8. Fees.**

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$300-500 (as set via resolution) shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection 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 Section 12-6.1 in which case no additional Lead-Based Paint inspection fee shall be paid.

- b. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.
- c. 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.

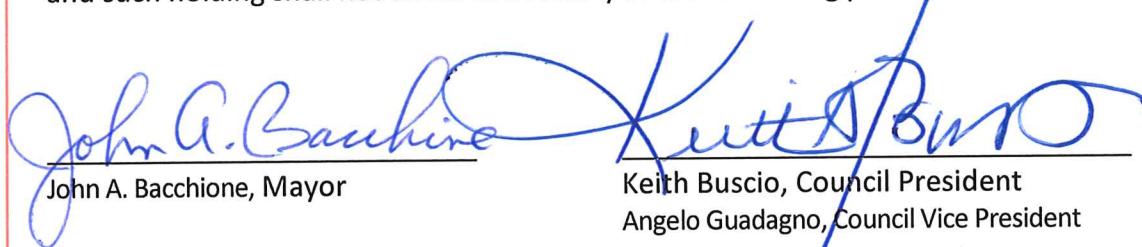
**§ 12-6.9. Violations and Penalties.**

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this Article 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 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.



John A. Bacchione, Mayor

Keith Buscio, Council President  
Angelo Guadagno, Council Vice President

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on May 20, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 24<sup>th</sup> day of June, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



KAREN STALLINGS, RMC  
Township Clerk, Township of Berkeley

**AFFIDAVIT OF PUBLICATION**

State of New Jersey, County of Hudson, ss:

Deidre Stevens-DiGiovanni, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

**PUBLICATION DATES:**

Jun. 1, 2024

NOTICE ID: 5p5R3boZWJj5KPMuKZ6f

PUBLISHER ID: COL5678

NOTICE NAME: Ordinances May 20 2024

Publication Fee: 144.60

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signed) Deidre Stevens-DiGiovanni

**VERIFICATION**

State of New Jersey  
County of Hudson

SHANNEA H HOLMES  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires August 1, 2026

Subscribed in my presence and sworn to before me on this: 06/06/2024

Shanee H. Holmes

Notary Public  
Notarized remotely online using communication technology via Proof.

## 05-20-24 Berkeley Township Notice of Pending and Adopted Ordinances

24-24-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, SO AS TO AMEND SECTION 7-35.2, ENTITLED "HANDICAPPED PARKING ON STREET FOR PRIVATE RESIDENCES".

24-25-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEE TITLES, AND ESTABLISHING THE METHOD OF SUCH COMPENSATION (Secretary, Confidential Secretary)

24-26-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" SO AS TO CREATE §7-33, TO BE ENTITLED "ENGINE BRAKING".

24-27-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF JOHNSON AVENUE ABUTTING BLOCK 939.05, Lots 1 & 2

24-28-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 26-1.7A: ADVERTISING FEES AT STAGE AREA OF VETERANS PARK.

24-29-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 1614, LOT 13, FROM MICHAEL CAVALLARO IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1) (Sand Road).

24-30-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 1614, LOT 13, FROM RUSSELL AND BERNADETTE BROOKS IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1) (Sand Road).

24-31-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF EMORY AVENUE ABUTTING BLOCK 951, LOT 16.04 AND BLOCK 946, LOT 4.01

24-32-OA  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XII, ENTITLED "PROPERTY MAINTENANCE" SO AS TO AMEND SECTION 12-6, ENTITLED "LEAD-BASED PAINT INSPECTIONS".

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on May 20, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 24th day of June, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Copies of the Ordinance will be provided upon request from the Clerk's office at the address above, during regular business hours, and can be found online at [www.berkeleytownship.org](http://www.berkeleytownship.org).

Karen Stallings, RMC  
Township Clerk, Township of Berkeley

### Berkeley Township Notice of Ordinance Adoption

24-14-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING AN AMENDMENT TO THE TOWN CENTER REDEVELOPMENT PLAN AMENDING CHAPTER 37-1 TOWN CENTER REDEVELOPMENT PLAN AND AMENDING THE CHAPTER 35-105 TOWN CENTER REDEVELOPMENT PLAN.

24-15-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 35-105 OF THE REVISED GENERAL ORDINANCES OF BERKELEY TOWNSHIP, ENTITLED "LAND DEVELOPMENT".

24-17-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" §7-24, ENTITLED "RIGHT TURN ONLY" (SHORE PLAZA).

24-18-OAB  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, SO AS TO AMEND SECTION 7-35.2, ENTITLED "HANDICAPPED PARKING ON STREET FOR PRIVATE RESIDENCES" (106 Sprague Ave).

24-19-OAB  
AN ORDINANCE AMENDING Chapter 35, Land Development, OF THE CODE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 35, LAND DEVELOPMENT, ARTICLE XVIII, PINELANDS AREA USE (Pinelands Comprehensive Management Plan).

24-20-OAB  
AN ORDINANCE OF THE CODE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

24-21-OAB  
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE VACATION OF A PORTION OF VIRGINIA AVENUE (BETWEEN ARLINGTON AND PRINCETON AVES ) ABUTTING BLOCK 675 LOTS: 29-34 AND BLOCK 674, LOTS: 1- (Greg & Meghan Senator).

24-22-OAB  
ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 513, LOT 20 ON THE MUNICIPAL TAX MAP TO JAMES & HEATHER DELLA PIETRO IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (MADISON AVENUE, \$30,300.00)

Forgoing Ordinances were duly passed after Public Hearing held March 18, 2024 at a regular meeting of the Township of Berkeley and were approved by the Mayor on 5/20/2024  
Printer Fee: \$144.50  
Pub Date: June 1st, 2024

Order #: COL5678