

**TOWNSHIP OF MAURICE RIVER  
CUMBERLAND COUNTY, NEW JERSEY**

**ORDINANCE NO. 721**

**AN ORDINANCE OF THE TOWNSHIP OF MAURICE RIVER,  
CUMBERLAND COUNTY, AMENDING AND SUPPLEMENTING CHAPTER 11-4 OF  
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAURICE  
RIVER, LEAD-BASED PAINT INSPECTIONS FOR RENTAL PROPERTIES**

**WHEREAS**, the Township maintains Chapter 11, Building and Housing, of the Township of Maurice River Code, specifically Section 11-4 Housing Code and Occupancy Permits for Rental Dwellings; and

**WHEREAS**, pursuant to P.L. 2021, c.182, (N.J.S.A. 52:27D-437.20a and 52:27D-437.17b) all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality upon their first turn-over or within two years of the effective date of July 22, 2022 to complete a Lead Safe Certification inspection; and

**WHEREAS**, it is in the best interest of the residents of the Township of Maurice River to amend the Township Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with this State Law;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED, THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAURICE TOWNSHIP, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, THAT:**

I. Chapter 11, Building and Housing, Section 11-4 Housing Code and Occupancy Permits for Rental Dwellings shall be is hereby amended and supplemented, with additions in underline:

**§11-4.1 Findings**

The Township Committee has determined that numerous rental dwellings exist in the Township and that some of these units are in dilapidated and/or dangerous condition. It is felt by the Township Committee that it would be in the best interest of all Township residents, especially those renting properties in the Township that a yearly registration and inspection of rental dwellings be completed.

Lead-Based Paint Inspections: Maurice River Township is a municipality in the State of New Jersey were less than 3% of the children 6 years of age or younger have a blood lead level of equal to or greater than or equal to 5 ug/dl according to the central lead screening database maintained by the New Jersey Department of Health and shall conduct lead-based paint inspections through **visual and dust swipe assessment.**

**§11-4.2 Administration by Housing Office**

The Township Housing Officer is hereby designated as the officer to exercise the powers prescribed by the within section.

**§11-4.3 Inspection and Occupancy Permits Required Annually**

No person, firm or corporation shall rent, lease, suffer or allow any person, firm or corporation (other than a member of the immediate family of a person, owner of a firm or principal stockholder of a corporation) to occupy as a tenant, any house, apartment or other structure, including a mobile home and a modular unit, in the Township unless that person, firm or corporation shall first register the rental structure on or before March 1 of each year and obtain from the Township a Continued

Occupancy Permit on or before June 30th of each year in accordance with this section.

**§11-4.4 Standards Established to Determine if Dwellings are Safe and Sanitary and Fit for Human Habitation and Rental**

1. Pursuant to Section 11-3, the standard to be used as a guide in determining whether dwellings in the Township are safe, sanitary, and fit for human habitation and rental shall be the BOCA Basic Housing-Property Maintenance Code/1996, as published by the Building Officials and Code Administrators International, Inc.
2. Lead-Based Paint Inspection. 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:
  - a) has been certified to be free of lead-based paint;
  - b) was constructed during or after 1978;
  - 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", P.L. 1967, c.76 (C.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.

**§11-4.5 Application; Time to Apply**

The annual registration of rental structures shall be made to the Township Clerk's office on or before March 1 of each year. Continued Occupancy Permits shall be valid for one (1) year. No Continued Occupancy Permit shall be required during the initial occupancy of any house, apartment or other structure when a Certificate of Occupancy has been issued for the construction thereof in accordance with the State Uniform Construction Code Act. However, if the rental structure is damaged by fire or other cause, then reinspection shall be required.

**§11-4.6 Fee for Inspection and Issuance of Permit**

General Rental Permit. The fee for the initial inspection and the issuance of a continued occupancy permit shall be \$50, if applied for on or before March 1, and \$80, if applied for after March 1. The fee for any required reinspection shall be an additional \$30. No fee shall be required when the premises are owned by the Township or other governmental agency.

Lead-Based Paint Inspection: In addition to the General Rental Permit Inspection fees due pursuant to this section, an additional fee in the amount of \$500.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection 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-based paint inspection services by the Department of Community Affairs to satisfy the requirements Section 11-4.7 (Lead-Based Paint Inspection).

Reinspection: Reinspection fees will be assessed for each reinspection after the initial inspection at a rate of \$175.00 per revisit plus \$30 for each dust swipe.

Lead Hazard Control Assistance Fund: A fee of \$20.00 will be assessed for each lead-based paint inspection to be deposited into the Lead Hazard Control Assistance Fund. This additional fee does not apply to any

dwelling unit where the Department of Community Affairs has already assessed said fee. (Pursuant to N.J.S.A.52:27D-43716h)

#### **§11-4.7 Inspections**

General Inspections: The Housing Officer is hereby authorized and directed to make inspections to determine the conditions of dwellings, dwelling units, rooming units, and premises located within the Township in order that he may perform his duty of safeguarding the health and safety of the occupants of the dwellings and of the general public. For the purpose of making such inspections, the Housing Officer is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling unit, and rooming unit, or the person in charge thereof shall give the Housing Officer free access to such dwelling, dwelling units, or rooming units and its premises at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this section or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this section.

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.

#### **§11-4.8 Additional Powers and Duties of the Housing Officer**

The Township Housing Officer shall have additional powers and duties as may be necessary to carry out the intent and purposes of this section, including, but not limited to, the following enumerated powers:

- a) To investigate the dwelling conditions of the Township in order to determine which houses, apartments, or other structures, including a mobile home and a modular unit, are unfit for human habitation.
- b) To enter upon the premises for the purposes of making housing examinations incidental to his duties;
- c) To delegate any of the functions and powers to employees of the Township as the Housing Officer may designate or who may be so designated by the Township Committee of Maurice River Township.

#### **§11-4.9 Issuance by the Housing Officer**

The Housing Officer is the agent designated to issue the Continued Occupancy Permit upon written application therefor and payment of the fee as required by subsection 11-4.6. The application shall state the name and address of the owner, the name and address of the renting agent, if any, and the name of the proposed tenant and a description of the premises to be occupied, including the street address and apartment number.

#### **§11-4.10 Inspection; Report of Violations**

General Inspection: The Housing Officer shall make an inspection of each house, apartment, or other structure for which there has been registration and an application for a Continued Occupancy Permit. The Housing Officer shall make a report promptly after each inspection and advise the applicant of any violations of the Property Maintenance Code of the Township and other applicable Township ordinances. Violations of the foregoing Code or Township ordinances shall be grounds for denial of the Occupancy Permit.

Lead-Based Paint Inspection: Failure to comply with NJ Lead Safe Certification requirements can incur fines of up to \$1,000 per unit per week.

#### **§11-4.11 Notice; Violation.**

Whenever the Housing Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this section, or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefor as hereinafter provided. Such notice shall:

- a) Be in writing;
- b) Allow thirty (30) days for the performance of any act it requires; and
- c) Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, or a copy thereof is served upon him personally, or an adult member of his household; or if a copy thereof is sent by registered or certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this State.

#### **§11-4.12 Hearing by Housing Officer.**

The notice of violation shall contain an outline of remedial action which, if taken, will affect compliance with the provisions of this section and with the rules and regulations adopted pursuant thereto. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Housing Officer provided such person shall file in the office of the Township Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. Upon receipt of such petition the Housing Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced with not later than ten (10) days after the day upon which the petition was filed; provided that upon application of the petitioner the Housing Officer may postpone the date of the hearing for a reasonable time beyond such ten (10) day period if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement. After such a hearing, the Housing Officer shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this section and of the rules and regulations thereof have been complied with. If the Housing Officer sustains or modifies such notice, it shall be deemed an order. Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the Office of the Housing Officer within ten (10) days after such notice is served. The proceedings at such a hearing, including the findings and decisions of the Housing Officer, shall be summarized, reduced to writing, and entered as a matter of public record in the Office of the Township Clerk. Such records shall also include a copy of every notice or order issued in connection with the matter.

#### **§11-4.13 Emergencies.**

Whenever the Housing Officer finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice for hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this section, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Township Clerk shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this section and of the rules and regulations adopted

pursuant thereto have been complied with, the Housing Officer shall continue such order in effect, or modify it, or revoke it.

**§11-4.14 Rules and Regulations as Adopted.**

The Housing Officer is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this section; provided however, that such rules and regulations shall not be in conflict with the provisions of this section, nor in any way alter, amend, or supersede any of the provisions thereof. The Housing Officer shall file a certified copy of all rules and regulations which he may adopt in his office and in the Office of the Township Clerk.

**§11-4.15 Conformity to Code Required for Owner and Renters.**

No person shall rent to another, suffer the occupancy of, occupy, maintain, own or have any interest in any building or part thereof which does not conform to the provisions of the New Jersey State Housing Code or which is unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or any part thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the health and welfare of the residents of the Township.

**§11-4.16 Separate Permits Required for Each Dwelling.**

- a) Separate Continued Occupancy Permits shall be required for each dwelling unit to be occupied.
- b) Exceptions. The provisions of this section shall not apply to hotels, motels, and other residential units which are generally occupied by tenants or guests for less than thirty (30) successive days.

**§11-4.17 More Stringent Standards to Prevail.**

Nothing in this section or in the Code adopted hereby shall be construed to amend, supersede, abrogate, or impair any ordinance or parts of ordinance adopted by the Township having standards more stringent than those adopted herein. The provisions of any and all such ordinances shall supersede the standards set forth herein.

**§11-4.18 Violations; Penalties.**

- a) Any person, firm, or corporation who shall violate any of the provisions of this section shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5.
- b) Separate Violations. Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the Township exists shall constitute a separate violation.
- c) Application. The maximum penalty stated in paragraph a is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.

**§11-4.19 Initial Registration.**

The provisions of subsection 11-4.4 (1) of this section shall apply as of January 1, 1992.

If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or

part thereof directly involved in the controversy in which said judgment shall have been rendered.

This ordinance shall become effective twenty (20) days after its final passage.

Adoption: February 16, 2023