

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E**

**ORDINANCE NO. 004-2024**

**AN ORDINANCE ADDING CHAPTER 10, SECTION 2  
(LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS)  
TO THE CODE OF UPPER TOWNSHIP**

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**WHEREAS**, pursuant to P.L. 2021, c. 182, the Township Committee of the Township of Upper desires to adopt an ordinance adding Chapter 10, Section 2, to the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, with respect to the requirements and regulations for inspections of lead-based paint in rented residential dwellings.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

**SECTION 1.** Chapter 10 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add Section 2: LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS  
as follows:

**§10-2.1 Definitions.**

**Rental Dwelling Units**

Shall mean any residential property, regardless of the number of Units, which is not occupied by the owner.

**§10-2.2 Lead-Based Paint Inspection.** The owner, landlord and/or agent of every Rental Dwelling Unit shall be required to obtain an inspection of the Rental Dwelling Unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier.

**§10-2.3 Rental Dwelling Units Required to be Inspected.** 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. Any Rental Dwelling Unit in the Township of Upper shall be subject to a Lead-Based Paint Inspection as set forth in this Section, unless said Rental Dwelling Unit meets one of the following conditions:

- (i) has been certified to be free of lead-based paint;
- (ii) was constructed during or after 1978;
- (iii) 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 building under the “Hotel and Multiple Dwelling Law,” P.L. 1967, c.76 (C.55:13A-1 et seq.);

- (iv) 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
- (v) has a valid lead-safe certification.

§10-2.4 Fee for Inspection. A fee in the amount of \$320.00 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 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 this Section, in which case the fee for the processing of each lead-based paint inspection shall be \$20.00.

**SECTION 2: REPEALER:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 3: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**SECTION 4: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 5: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

ATTEST:

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JOANNE R. HERRON, Township Clerk

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JAY NEWMAN, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE

TOWNSHIP OF UPPER HELD ON THE 11<sup>TH</sup> DAY OF MARCH, 2024 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25<sup>TH</sup> DAY OF MARCH, 2024 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: March 11, 2024

Publication: March 16, 2024

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: March 25, 2024

Final Adoption: March 25, 2024

Final Publication Date: March 30, 2024

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on March 25, 2024 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on March 30, 2024.

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JOANNE R. HERRON, Township Clerk