

**ORDINANCE #2023-03**

**BOROUGH OF AUDUBON PARK**

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN  
AND STATE OF NEW JERSEY ESTABLISHING LEAD-BASED PAINT INSPECTION  
PROCEDURES**

**WHEREAS**, the Borough of Audubon Park (“Borough”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, in July of 2021, the New Jersey State Legislature enacted P.L. 2021, c. 182, amending the Lead Hazard Assistance Act (N.J.S.A. 52:27D-437.1, *et seq.*) (the “Legislation”), specifically as to lead paint hazards in residential properties; and

**WHEREAS**, the Borough seeks to adopt and Ordinance to require landlords within the Borough to comply with the lead-based hazard requirements of the Legislation; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Audubon Park, County of Camden, and State of New Jersey, that lead-based paint inspection procedures be established as follows:

**SECTION 1: Lead Based Paint**

- A. Annually, on or before January 1, all owners of a residential rental unit within the Borough, or upon change in occupancy of a residential rental unit, shall present to the Borough Clerk notice of the last tenant turnover date, as well as a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as defined in P.L. 2021, c. 182. Should the owner fail to provide such a report within thirty (30) days of filing, the Borough shall have said inspection performed with the Borough’s cost for same to be assessed against the landlord’s rental property as a municipal lien.
- 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 Borough, or the inspector retained to conduct such inspections, providing notification of same to the Commissioner of Community Affairs.
- C. No residential rental unit shall be occupied until a valid lead-based paint evaluation report prepared by a certified lead evaluation contractor as defined in P.L. 2021, c. 182 is provided or obtained by the Borough pursuant to subsection A above. Further, if the evaluation report identifies lead-based hazards, such residential rental unit shall not be

occupied until remediation is deemed complete by the Borough pursuant to subsection B above.

D. The provisions of this Section do not apply to properties exempt under P.L. 2021, c. 182, specifically properties that:

- 1) have been certified to be free of lead-based paint.
- 2) were constructed during or after 1978.
- 3) are located 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.).
- 4) are 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.
- 5) have a valid lead-safe certification issued in accordance with P.L. 2021, c. 182

**SECTION 2:** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 3:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 4:** This Ordinance shall take effect upon passage and publication according to law.

Attest:

BOROUGH OF AUDUBON PARK

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LAWRENCE E. PENNOCK, MAYOR

Introduced: February 6, 2023

Adopted: March 6, 2023

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Audubon Park at a regular meeting held on March 6, 2023.

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DAWN M. PENNOCK, MUNICIPAL CLERK