

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2026-25

ORDINANCE SUPPLEMENTING THE BOROUGH'S REVISED GENERAL ORDINANCES WITH NEW CHAPTER 274: "LEAD-BASED PAINT INSPECTIONS" IN COMPLIANCE WITH N.J.S.A. 52:27D-437.16, ET SEQ.

Mayor Gubitosi offered the following Ordinance and moved its introduction:

WHEREAS, under N.J.S.A. 52:27D-437.16, Borough of Bradley Beach (the "Borough") is required to inspect certain residential rental dwellings for lead-based paint hazards; and

WHEREAS, it is in the best interests of the Borough to protect residents, particularly children, from exposure to lead-based paint hazards; and

WHEREAS, the Borough seeks to establish a proactive inspection program consistent with N.J.S.A. 52:27D-437.1, *et seq.*; and

WHEREAS, the Borough finds it necessary to designate an enforcement authority to administer and enforce these requirements;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Borough of Bradley Beach are hereby supplemented with *new* Chapter 274: "Lead-Based Paint Inspections", as follows:

**CHAPTER 274
LEAD-BASED PAINT INSPECTIONS**

§ 274-1 Definitions.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development (HUD).

LEAD ABATEMENT

Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of the New Jersey Department of Community Affairs and in compliance with applicable federal standards.

LEAD EVALUATION CONTRACTOR

A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 *et seq.*

LEAD-BASED PAINT HAZARD

Any condition that causes exposure to lead from lead-contaminated dust, soil or paint that is deteriorated or present on surfaces that would result in adverse human health effects.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

§ 274-2 Inspections.

- A. A lead evaluation contractor retained by the Borough shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough of Bradley Beach for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1, *et seq.*
- B. In lieu of having the dwelling inspected by the Borough's lead evaluation contractor, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified by the New Jersey Department of Community Affairs.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit shall not be subject to inspection if the unit:
 - (1) Has been certified to be free of lead-based paint;
 - (2) Was constructed during or after 1978;
 - (3) Is in a multiple dwelling that has been registered with the Department of Community Affairs for at least ten (10) years and has no outstanding lead violations;
 - (4) Is a seasonal rental dwelling rented for less than six (6) months per year without consecutive lease renewals; or
 - (5) Has a valid lead-safe certification.
- D. The owner, landlord, and/or agent of every applicable rental dwelling unit shall obtain an inspection every three (3) years.
- E. If lead-based paint hazards are identified, the owner shall remediate such hazards using lead abatement or lead hazard control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon remediation, the Borough's lead evaluation contractor shall reinspect the unit.
- F. If no hazards are identified, the Borough's lead evaluator shall certify the dwelling as lead-safe, valid for three (3) years.
- G. Property owners shall:
 - (1) Provide evidence of a valid lead-safe certification;
 - (2) Provide certification to new tenants at turnover; and
 - (3) Maintain records of certification.

§ 274-3 Fees.

- A. The Borough shall charge:
- (1) \$200.00 per dwelling unit for visual assessment;
 - (2) \$25.00 filing fee;
 - (3) \$295.00 for reinspection.
- B. An additional \$20.00 per unit fee shall be collected and remitted to the Lead Hazard Control Assistance Fund pursuant to N.J.S.A. 52:27D-437.16(h).

§ 274-4 Violations and Penalties.

If a property owner fails to conduct the required inspection or initiate remediation, the owner shall have thirty (30) days to cure the violation. Failure to cure shall result in a penalty not to exceed \$1,000.00 per week until compliance is achieved.

§ 274-5 Enforcement.

This Chapter shall be enforced by the Borough's Code Enforcement Officer, or such other official as designated by the Borough Administrator.


SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.


Erica Kostyz, RMC, CMR
Municipal Clerk


Alan Gubitosi
Mayor

Introduced: April 21, 2026

Date of Hearing and Adoption: May 5, 2026