



**CITY OF BEVERLY
BURLINGTON COUNTY
STATE OF NEW JERSEY**

**COMMON COUNCIL
March 12, 2024 – 5:30PM**

AGENDA

CALL TO ORDER

OPEN PUBLIC MEETINGS ACT STATEMENT

“The Provisions of the Open Public Meetings Act have been met. Notice of this meeting, Resolution 2024-1, was posted on the Official Bulletin Board in City Hall, published in The Burlington County Times on January 7, 2024, transmitted to the Camden Courier Post, filed with the Municipal Clerk, and was mailed to all persons requesting and paying for same.”

FLAG SALUTE

ROLL CALL

Mayor: Randy H. Miller

Council Members:

Robert H. Bancroft

Riccardo Dale

Robert E. Lowden, Jr.

Kelsey Snively

Bernadine Williams

Staff:

Administrator/Public Safety Director: Richard Wolbert

City Solicitor Thomas J. Coleman, III., Esq.

Municipal Clerk Caitlin D’Alfonso, RMC

PUBLIC COMMENT ON AGENDA ITEMS ONLY

PRESENTATION

Joe Henry – Hardenbergh Insurance

APPROVAL OF MINUTES

Regular Meeting: February 27, 2024

BILL LIST

Bill List: March 12, 2024

OLD BUSINESS

NEW BUSINESS

ORDINANCE – SECOND READING/PUBLIC HEARING

Ordinance 2024-4: Ordinance Amending Chapter XX of the Code of the City of Beverly Entitled “Zoning” to Create Additional Permitted Uses in the C-2 Zoning District

Ordinance 2024-5: Ordinance Amending the 2007 Redevelopment Plan as it relates to Section 2 of the Land Use Element Entitled “R-3 Single and Multifamily Residential District”

Ordinance 2024-6: An Ordinance Amending Chapter 444 Entitled “Rental Property” to Establish Article III Regarding Lead-Based Paint Inspections and Article IV Regarding Liability Insurance

RESOLUTIONS

Resolution 2024-45: Resolution Amending Resolution 2024-40 Authorizing Transfer of 2023 Appropriations Reserves

Resolution 2024-46: Resolution Authorizing Cancellation of Outstanding Checks

Resolution 2024-47: Resolution Authorizing the Implementation of Flexible Spending Accounts and Colonial Life Voluntary Benefits for Employees of the City of Beverly

Resolution 2024-48: Resolution Approving Partial Payment to A-Plus Construction, Inc. for Small Cities Grant Agreement for 616 Erhardt Ave

Resolution 2024-49: Resolution Authorizing Execution of Agreement with the Beverly Police Association

Resolution 2024-50: Resolution Authorizing a Shared Service Agreement with the Township of Delanco for the Purchase of a Street Sweeper

CORRESPONDENCE

P.O. Type: All
 Range: First to Last
 Format: Condensed
 Vendors: All
 Rcvd Batch Id Range: First to Last

Received Date Range: First to 12/31/24
 Include Non-Budgeted: Y

Open: N Paid: N Void: N
 Rcvd: Y Held: N Aprv: Y
 Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BCF001	B&C FIRE EQUIPMENT, LLC	24-00106	03/09/24	FIRE EXTINGUISHER	Open	32.50	0.00		
BEV001	BEVERLY BD OF EDUCATION	24-00001	01/08/24	SCHOOL TAXES 2024	Open	237,241.00	0.00		
DEL001	DELL	24-00099	02/27/24	Tax Assessor Computers	Open	2,463.48	0.00		
DEL002	DELANCO TOWNSHIP	24-00004	01/08/24	GASOLINE/DIESEL 2024	Open	879.30	0.00		
ENV001	ENVIRONMENTAL RESOLUTIONS INC	23-00653	11/30/23	ESCROW ROAD OPENINGS	Open	55.00	0.00		
		24-00078	02/20/24	2024 GENERAL SERVICES	Open	110.00	0.00		
		24-00080	02/20/24	2024 ESCROW SERVICES	Open	398.75	0.00		
						563.75			
GAL002	GALLS	24-00098	02/27/24	Police Department Flashlights	Open	1,312.00	0.00		
HER001	HERITAGE BUSINESS SYSTEMS LEAS	24-00037	01/18/24	2024 COPIER LEASE	Open	218.02	0.00		
HER002	HERITAGE BUSINESS SYSTEMS	23-00660	12/03/23	COPIER FEES	Open	291.32	0.00		
INV001	INVERSO & STEWART, LLC	24-00105	03/09/24	2020 FINANCIAL RECORDS	Open	16,400.00	0.00		
JOHNH005	JOHN HAAF	24-00108	03/09/24	REIMB FOR NJLM CONFERENCE	Open	140.00	0.00		
LOW001	LOWE'S	24-00075	02/20/24	2024 SUPPLIES	Open	173.53	0.00		
LOWTH005	LOWTHER SMALL ENGINE INC	24-00009	01/10/24	2024 EQUIP REPAIR&SAFETY SUPPL	Open	2,730.02	0.00		
MOTOR005	MOTOROLA SOLUTIONS, INC	23-00092	02/16/23	Police Portables APX6000XE	Open	10,021.88	0.00		
MUN005	MUNICIPAL EMERGENCY SERVICES	23-00623	11/27/23	Holster and Boots - Torres	Open	290.00	0.00		
NEW001	NEW JERSEY AMERICAN WATER	24-00067	02/04/24	2024 WATER BILLS	Open	97.36	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
NEWJE010	NEW JERSEY ANIMAL CONTROL LLC	24-00088	02/21/24	ANIMAL CONTROL 2024	Open	670.00	0.00		
NEWLA005	NEW LABELL CLEANERS	24-00007	01/08/24	2024 UNIFORM CLEANING	Open	200.00	0.00		
NIP001	NIPPINS AUTOMOTIVE	24-00072	02/20/24	2024 PW REPAIRS	Open	25.98	0.00		
		24-00073	02/20/24	2024 POLICE REPAIRS	Open	1,077.04	0.00		
						<u>1,103.02</u>			
NJD002	NJDHSS (DOG)	24-00005	01/08/24	2024 NJ STATE DOG LICENSE	Open	29.40	0.00		
PIT001	PITNEY BOWES GLOBAL FINANCIAL	24-00048	01/31/24	Ink Supplies	Open	494.91	0.00		
PSE001	PSE&G	24-00039	01/18/24	2024 SLIGHT/ELE BILL	Open	7,303.24	0.00		
RAY001	Raymond, Coleman, HeinoId, Nor	24-00081	02/20/24	2024 LEGAL SERVICES	Open	2,250.00	0.00		
RIVEL005	RIVELL LLC	24-00058	02/04/24	2024 IT SUPPORT SERVICES	Open	935.00	0.00		
SEASI005	SEASIDE WASTE SERVICES	24-00074	02/20/24	CURBSIDE TRASH SERVICE 2024	Open	7,078.40	0.00		
TM001	T MOBILE	24-00052	02/04/24	2024 TELEPHONE SERVICES	Open	57.58	0.00		
TRANS005	TRANSUNION RISK DATA SOLUTIONS	24-00006	01/08/24	2024 POLICE TRANSUNION	Open	150.00	0.00		
UGIEN005	UGI ENERGY SERVICES LLC	24-00051	02/04/24	2024 ELECTRICITY	Open	154.51	0.00		
USS001	USS CAR WASH	24-00107	03/09/24	CAR WASHERS 1/1/23-12/31/23	Open	756.00	0.00		
WBM001	WB MASON	24-00011	01/10/24	2024 MONTHLY WATER SERVICES	Open	3.98	0.00		
		24-00070	02/20/24	SUPPLIES	Open	144.59	0.00		
		24-00096	02/26/24		Open	103.92	0.00		
		24-00097	02/26/24		Open	95.59	0.00		
						<u>348.08</u>			

Total Purchase Orders: 35 Total P.O. Line Items: 0 Total List Amount: 294,384.30 Total Void Amount: 0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	3-01	16,981.32	0.00	0.00	16,981.32
	4-01	263,122.47	0.00	0.00	263,122.47
ORDINANCE 2015-06	C-04	13,797.36	0.00	0.00	13,797.36
	T-05	453.75	0.00	0.00	453.75
	T-12	29.40	0.00	0.00	29.40
	Year Total:	<u>483.15</u>	<u>0.00</u>	<u>0.00</u>	<u>483.15</u>
Total of All Funds:		<u><u>294,384.30</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>294,384.30</u></u>

**CITY OF BEVERLY
COUNTY OF BURLINGTON**

ORDINANCE 2024-4

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF BEVERLY, IN
THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING AND SUP-
PLEMENTING SECTION 20-27 OF CHAPTER XX ENTITLED “ZONING” OF THE
CODE OF THE CITY OF BEVERLY TO CREATE ADDITIONAL PERMITTED USES
IN THE C2 DOWNTOWN COMMERCIAL DISTRICT**

WHEREAS, the City has determined that Chapter XX of the Code of the City of Beverly is in need of revision and update to provide consistency and fairness with respect to permitted uses and business activity in the City’s Commercial Districts.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Common Council of the City of Beverly, County of Burlington, and State of New Jersey as follows:

Section One. Subsection A of Section 20-27 entitled “C-2 Downtown Commercial District” in Article IV of the Zoning Code of the City of Beverly is hereby amended and revised to read as follows:

§ 20-27: C-2 Downtown Commercial District.

- A. Permitted Principal Uses. In a C-2 Downtown Commercial District, land, buildings, and structures shall be used only for the following permitted uses; however, that no single business establishment shall occupy a total floor area in excess of 8,000 square feet. Permitted uses may require additional registration, permitting and/or municipal licensing or outside agency approvals.
- (1) Banks and finance, insurance, and real estate uses, such as: banks and credit unions; and finance, insurance, and real estate offices but excluding check cashing facilities.
 - (2) Eating and drinking establishments, such as: full-service restaurants, where patrons order and are served while seated and pay after eating; limited-service restaurants, where patrons order and pay before eating at the restaurant or elsewhere; buffets and cafeterias, where patrons serve themselves and eat seated at the restaurant; distilleries, brewpubs, microbreweries; and caterers & catering halls but excluding establishments with indoor recreational uses and drive-through services.
 - (3) Retail sale of fresh, packaged, and prepared foods and related items, including food markets, convenience stores, and small specialty supermarkets, such as: baked goods and tortillas; beer, wine, and liquor; hot and cold beverages, ice, and soft drinks; dairy items; meats; confections, dessert, nuts, and snacks; fish and seafood; flowers; fruit and vegetables; herbs, seasonings, and spices; tobacco; and other consumable food-stuffs.

- (4) Retail sale and associated repair of personal items, such as: clothing, accessories, and shoes; jewelry, luggage, and leather goods, optical care, and medical supplies; pet and pet supplies; pharmacies and health and personal care supplies; and similar items.
- (5) Retail sale and associated repair of home improvement and household items, such as: appliances and electronic devices; building equipment, materials, and supplies; furniture, home furnishings, and decorations; hardware; lawn and garden equipment, materials, and supplies; and similar items.
- (6) Retail sale and associated repair of other domestic and small business items, such as: artworks and craftworks, including production studios and galleries; audio, gaming, and video electronic media, including rentals; automobile parts and supplies; books, newspapers, magazines, music, periodicals, and other non-electronic media; computers and telecommunication device and accessories; office supplies, stationery, cards, and gifts; hobbies, toys, and sporting goods; and similar items.
- (7) Personal and household services, such as: hair, nail, skin, diet, and weight care services; pet care services; florists; photography studios and photofinishing services; tailoring and dressmaking services; and repair services for personal and household items, such as cameras, jewelry, musical instruments, precision equipment, and timepieces; computer, electronic, and telecommunication equipment; footwear, leather goods, and luggage; furniture, furnishings, and upholstery; home appliances; medical and optical supplies; and similar items, but excluding tattoo parlors, body piercing establishments, and adult or sexually oriented business.
- (8) Professional, scientific, and technical services, such as: accounting, tax preparation, bookkeeping, and payroll services; advertising, public relations, and related services; architectural, engineering, and related services; computer systems design and related services; home improvement contractor services without equipment and materials storage; legal services; management, scientific, and technical consulting services; marketing research and public opinion polling; physicians, dentists and other licensed health practitioners; specialized design services; translation and interpretation services; and veterinary services.
- (9) Indoor recreational uses, such as: art galleries; libraries, museums, and historical sites; private and commercial athletic, exercise, fitness, spa, sports, and wellness centers; cinema, dancing, gaming, and performing arts uses and venues, and similar indoor uses and facilities.
- (10) Studios, facilities, and commercial venues for visual and decorative artists, crafters, designers, and instructors of two-dimensional illustration, and photographic, electronic, sculptural, and textile media.
- (11) Studios and facilities for performing artists, instructors, and production staff for music, acrobatics, dance, oratory, story-telling, and theater media.

- (12) Government buildings, facilities, and uses, including: post offices; administrative offices and courts; libraries, fire, police, and emergency facilities; parks and playgrounds; tourism and municipal parking facilities.
- (13) Educational and related services, such as tutoring, exam preparation and educational support services; instructional academies of fine, martial, and performing arts, languages, sports, recreation, driving; and similar services.
- (14) Funeral homes and mortuaries.
- (15) Laundromats.
- (16) Retail sale, consignment, barter, exchange, and pawning of antiques, artwork, clothing, electronics, furniture, gems, gift cards, jewelry, musical instruments, precious metals, sporting goods, and any and all other second-hand or used items of value by any individual or other entity.

B. Permitted Accessory Uses.

- (1) Only the following uses on the same lot with and customarily incidental to any of the foregoing permitted uses shall be permitted per § 20-12, such as:
 - a. Fences and walls, per § 20-13,
 - b. Off-street parking and loading, per § 20-14,
 - c. Landscape buffer areas, per § 20-15.
 - d. Signs, per § 20-17.
 - e. Decks and patios per § 20-18
 - f. Utility sheds and private garages per § 20-19,
 - g. Lighting per § 20-21,
 - h. Home occupations on the ground floor of existing one- and two-family residential uses, per § 20-10K,
 - i. Refuse enclosures,
 - j. Roof-mounted solar and wind energy systems,
 - k. Stormwater management and coastal resiliency facilities.

(2) An eating and drinking establishment or retail prepared foods sales establishment shall be permitted to operate outdoor cafes in adjacent courtyards, plazas, rear yards, and on public sidewalks as an accessory use, provided pedestrian circulation and access to store entrances shall not be impaired and the following standards and guidelines are met:

- a. To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and to the entrances of the establishment shall be free of tables and other encumbrances.
- b. Outdoor cafes not occupying sidewalks shall be delineated by permanently placed planters, fencing, and/or walls. Outdoor cafes occupying sidewalk areas shall be delineated by moveable enclosures similar to those above.
- c. Awnings, canopies, or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
- d. Outdoor cafes shall provide outdoor trash receptacles.
- e. Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
- f. Outdoor entertainment is prohibited.
- g. Outdoor cafes shall be located a minimum of 50 feet from all residential lot lines.
- h. Operators or owners of establishments with outdoor cafes shall be responsible for trash pick-up and shall maintain a litter-free and well-kept appearance within and immediately adjacent to the outdoor cafe.
- i. Outdoor cafes shall not be entitled to additional signage, beyond what is permitted for the main use.

(3) Art galleries and delivery services for all eating and drinking establishments.

C. Conditional Uses. The following conditional uses shall meet the requirements set forth in § 20-10:

(1) Churches and places of worship.

(2) Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, television, internet, water, and sewerage, but not offices, garages, ware-

houses, maintenance areas, production facilities or similar commercially or industrially-related operations of such companies.

- (3) Quasi-public buildings and recreational areas with or without the following eating and drinking facilities conditions:
 - a. Facilities shall be open only to members and their guests;
 - b. Facilities shall be accessible only from within the main structure, except for loading and unloading areas or emergency exits; and
 - c. Facilities may be leased for non-member catered activities and events upon site plan approval, municipal licensing, and Burlington County Health Department licensing.
- (4) Residential apartments over first floor permitted principal uses not exceeding 12 units per acre upon site plan approval.
- (5) A temporary use of an existing storefront or other non-residential structure, or pop-up business, for a permitted principal use that does not require any exterior additions to the structure, does not increase the prior use's off-street parking obligation, and is intended to be open to the public for a period no greater than 60 calendar days after it is opened to the public.

D. Area and Bulk Regulations. The area and bulk regulations shall be in accordance with the requirements set forth in the Schedule of Area and Bulk Requirements.

E. Other Regulations: All other regulations of this ordinance shall be applied accordingly.

INTRODUCTION						
Roll Call Vote						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
Dale						X
Lowden		X	X			
Snively						X
Williams	X		X			
Bancroft			X			

ADOPTION						
Roll Call Vote						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
Dale						
Lowden						
Snively						
Williams						
Bancroft						

CERTIFICATION

I, Caitlin A. D’Alfonso, RMC, CMR, Municipal Clerk of the City of Beverly, County of Burlington, and State of New Jersey, do hereby certify the forgoing to be a true and correct copy of an Ordinance which was introduced by the Common Council of the City of Beverly at its meeting of February 13, 2024 with a second reading, public hearing, and final adoption held on

_____.

Caitlin D’Alfonso, RMC, CMR
Municipal Clerk

**CITY OF BEVERLY
BURLINGTON COUNTY**

ORDINANCE 2024-5

**AN ORDINANCE AMENDING THE 2007 REDEVELOPMENT PLAN
AS IT RELATES TO SECTION 2 OF THE LAND USE ELEMENT ENTITLED
“R-3 - SINGLE AND MULTIFAMILY RESIDENTIAL DISTRICT”**

WHEREAS, the City of Beverly adopted the 2007 Redevelopment Plan on in accordance with the Local Redevelopment and Housing Law on November 27, 2007 by way of Ordinance 2007-16; and

WHEREAS, it is necessary to amend the 2007 Redevelopment Plan specific to Section 2 of the Land Use Element entitled “R-3 – Single and Multifamily Residential District” to address certain requirements under the permitted uses.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Beverly, County of Burlington, and State of New Jersey, that the 2007 Redevelopment Plan is hereby amended to read as follows:

Land Use Element

2. R-3 – Single and Multifamily Residential District

The R-3 Zone will act as a transitional buffer between higher density commercial areas and single family residential areas. This will be accomplished by replacing existing, often illegal, multi-family homes with a new multi-family housing type that respects the historic architectural character of the area. An expansion of this zone is required to maintain a transitional zone between the revised C-3 District and the existing R-2 District.

Recommended Actions

- a.** The remaining R-3 Zone shall be expanded to include all property between Cooper Street and Walnut Street, west of the existing C-3 Zone.
- b.** The R-3 area shall retain and enhance its diverse mix of residential housing types with both single, 2-family and multi-family houses of no more than 5 dwelling units.
- c.** Vacant lots shall be infilled with single or multi-family dwellings provided these new buildings match the existing architectural context and scale.
- d.** Illegal or sub-standard multi-family dwellings shall be either renovated or reconstructed and brought into compliance with local zoning and housing regulations. A certain number of these units shall be designated as affordable housing units (number and location to be determined) in accordance with COAH and the city’s Housing Element and Fair Share Plan or other adopted ordinances.

e. Underlying land-use and zoning shall remain in effect with the permitted use overlay as described below.

Permitted Uses

a. All of the principal uses permitted in the R-3 Single-Family and Two-Family Residential District listed in .

b. Townhouses:

- i. Minimum Lot Area per Dwelling Unit: 2,000sqft
- ii. Minimum Lot Width per Dwelling Unit: 20ft
- iii. Minimum Lot Depth: 100ft
- iv. Minimum Front Yard Setback: 10ft for parking access from the rear of the dwelling unit 20ft for parking access from the front of the dwelling unit
- v. Minimum Side Yard Setback: 5ft for outer dwelling units
0ft for interior dwelling units
- vi. Minimum Rear Yard Setback: 25ft
- vii. Maximum Building Height: 48ft, 3-1/2 stories
- viii. Maximum Number of Contiguous Dwelling Units within a Building: 8 dwelling units
- ix. Minimum Parking Spaces: The greater of 2 spaces per dwelling unit, or the minimum required by the New Jersey Residential Site Improvement Standards
- x. Parking access should be located in rear of unit whenever feasible.

c. Multifamily Dwellings – a residential building containing no more than five (5) dwelling units according to the following requirements:

- i. Maximum Density: 5 dwelling units per acre.
- ii. Minimum Lot Area: 43,560sqft for 5 dwelling units
34,848sqft for 4 dwelling units
26,136sqft for 3 dwelling units

- iii. Minimum Lot Width: 200ft for 5 dwelling units
150ft for 4 dwelling units
100ft for 3 dwelling units
- iv. Minimum Lot Depth: 100ft
- v. Minimum Front Yard Setback: 25ft
- vi. Minimum Side Yard Setback: 5ft, one side
20ft, two sides
- vii. Minimum Rear Yard Setback: 25ft
- viii. Maximum Building Height: 48ft, 3-1/2 stories
- ix. Maximum Lot Coverage: 60%
- x. Minimum Parking: The greater of 2 spaces per dwelling unit, or the minimum required by the New Jersey Residential Site Improvement Standards
- xi. Accessory Buildings and Structures: Minimum Side Yard Setback: 4ft
Minimum Rear Yard Setback: 4ft
Maximum Height: 15ft/1 story

d. Houses of Worship/Churches: Houses of Worship/Churches, as well as ancillary uses such as day care and school facilities, shall be permitted conditional uses and shall comply with the requirements of Section 20-10 “Conditional Uses” as set forth in Chapter XX Zoning.

INTRODUCTION						
Roll Call Vote						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
Dale						X
Lowden		X	X			
Snively						X
Williams	X		X			
Bancroft			X			

ADOPTION						
Roll Call Vote						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
Dale						
Lowden						
Snively						
Williams						
Bancroft						

CERTIFICATION

I, Caitlin D’Alfonso, RMC, CMR, Municipal Clerk of the City of Beverly, County of Burlington, and State of New Jersey, do hereby certify the forgoing to be a true and correct copy of an Ordinance which was introduced by the Common Council of the City of Beverly at its meeting of February 13, 2024 with a second reading, public hearing, and final adoption held on

_____.

Caitlin D’Alfonso, RMC, CMR
Municipal Clerk

**CITY OF BEVERLY
BURLINGTON COUNTY**

ORDINANCE 2024-6

**AN ORDINANCE AMENDING CHAPTER 444 OF THE CODE OF THE CITY OF
BEVERLY ENTITLED “RENTAL PROPERTY” TO ESTABLISH ARTICLE III
REGARDING LEAD-BASED PAINT INSPECTION REQUIREMENTS AND
ARTICLE IV REGARDING LIABILITY INSURANCE**

WHEREAS, pursuant to N.J.S.A. 52:27D-437.1 et seq., all municipalities are now required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of the residents of the City of Beverly to amend the City Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law; and

WHEREAS, the City Code has existing provisions concerning rental properties under Chapter 444; and

WHEREAS the City wishes through this Ordinance to establish Article III of Chapter 444 entitled “Lead-Based Paint Inspections” of the City Code in order to serve the best interests of the City and its residents.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Beverly, in the County of Burlington and State of New Jersey that:

SECTION 1. Chapter 444, Article III, to be known as “Lead-Based Paint Inspections” is hereby established and shall read as follows:

Chapter 444, Article III Lead-Based Paint Inspections

§444-27 Definitions.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the New Jersey Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

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.

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. 5:171.1 et seq.

Lead-Based Paint Hazard - Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in 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.

§444-28 Inspections.

A. A lead evaluation contractor retained by the City shall inspect every single-family, two-family, or multiple rental dwelling located in the City of Beverly 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 City's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the New Jersey Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

C. In accordance with N.J.S.A. 52:27D-437.16(c), 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:

(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 New Jersey Department of Community Affairs as a multiple dwelling for at least ten (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) 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

(5) Has a valid lead-safe certification.

D. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.

E. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the City's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

F. If no lead-based paint hazards are identified, then the City's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the New Jersey Department of Community Affairs,

which shall be valid for two (2) years.

G. Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

- (1) Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
- (2) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §444-28(C) of this Chapter.
- (3) Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

H. Fees.

- (1) The fee for a visual inspection and dust wipe sampling inspection performed by the City's lead evaluation contractor shall be \$75.00 per unit, which includes the fee owed to the New Jersey Department of Community Affairs as set forth below in in §444-28 H(2).
- (2) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the City's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the New Jersey Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
- (3) In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

§444-29 Violations.

Penalties for violation of this Article shall be as follows:

- A.** If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation.
- B.** If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 2. Chapter 444, Article IV, to be known as “Liability Insurance” is hereby established and shall read as follows:

Chapter 444, Article IV Liability Insurance

§444-30 Liability Insurance Required.

A. Pursuant to N.J.S.A. 40A:10A-1, et seq., the owners of any rental unit(s), and/or multifamily homes of four or less units, one of which is owner occupied, which are located in the City shall register the Certification of Insurance annually, by March 1 of each calendar year, with the City Clerk.

B. The owners of a rental unit(s), and/or multifamily homes of four or less units shall be required to maintain liability insurance for negligent acts and omissions for the combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence as follows:

(1) Owners of a rental unit(s) shall maintain a minimum of \$500,000 in liability insurance for negligent acts and omissions.

(2) Owners of multifamily homes of four or less units, one of which is owner occupied, shall maintain a minimum of \$300,000 in liability insurance for negligent acts and omissions.

C. The City may collect, through a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (N.J.S.A. 2A:58-10 et seq.), a fine of \$500, but no more than \$5,000, against an owner who fails to comply with the provisions of N.J.S.A. 40A:10A-1, et seq.

SECTION 3. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon passage and publication in accordance within applicable law.

INTRODUCTION						
Roll Call Vote						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
Dale		X	X			
Lowden						X
Snively			X			
Williams	X		X			
Bancroft			X			

ADOPTION						
Roll Call Vote						
Council Member	Motion	Second	Aye	Nay	Abstain	Absent
Dale						
Lowden						
Snively						
Williams						
Bancroft						

CERTIFICATION

I, Caitlin D’Alfonso, RMC, CMR, Municipal Clerk of the City of Beverly, County of Burlington, and State of New Jersey, do hereby certify the forgoing to be a true and correct copy of an Ordinance which was introduced by the Common Council of the City of Beverly at its meeting of February 27, 2024 with a second reading, public hearing, and final adoption held on

_____.

Caitlin D’Alfonso, RMC, CMR
Municipal Clerk