

NEW RESIDENTIAL CONSTRUCTION OFF-SITE CONDITIONS DISCLOSURE RESPONSIBILITIES OF THE MUNICIPALITY

5:38-2.1 Information required to be made available

- (a) The municipal clerk of each municipality shall make available to the public, for inspection only, the following:
1. The publication entitled "Known Contaminated Sites in New Jersey--Municipal Report," which shall be provided to municipal clerks by the Department of Environmental Protection. This document includes:
 - i. The latest list of sites on the National Priorities List prepared in accordance with 42 U.S.C. §§ 9601 et seq.; and
 - ii. The latest list of hazardous discharge sites from the master list prepared pursuant to N.J.S.A. 58:10-23.15 et seq.;
 2. The latest list of sanitary landfill facilities provided by the Department of Environmental Protection;
 3. "Listing of Off-site Conditions" forms provided by owners submitted pursuant to N.J.A.C. 5:38-3;
 4. 24 inch by 36 inch copies or other approved maps provided by owners of off-site conditions pursuant to N.J.A.C. 5:38-3; and
 5. Copies of the municipality's tax map sheets, prepared pursuant to N.J.A.C. 5:38-3.2(d), that show any airport safety zones established by ordinance pursuant to N.J.S.A. 6:1-81 et seq., and N.J.A.C. 16:62.
- (b) Maps and lists shall be made available for public inspection in the office of the municipal clerk at no charge.
- (c) The municipal clerk shall:
1. Require persons requesting information to present valid identification, such as a driver's license, passport, or other form of photo identification, as a prerequisite to inspecting the off-site conditions list.
 2. Maintain a registry of all persons requesting the offsite information, including the person's name, address, telephone number, type of information requested, reason for requesting the information, and the date of the request.
 3. Redact information authorized under the Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq., and any other pertinent regulation or Executive Order.
- (d) The municipal clerk shall have no responsibility to solicit lists or enforce submission of same from owners of off-site conditions.
- (e) The municipality shall make copies of tax maps required available to an owner upon request. The municipality may charge the owner a fee not in excess of the cost of reproduction for each sheet.