

## SECTION 12 PROPERTY MAINTENANCE CODE

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*adopted*

***SIXTH DRAFT : OCTOBER 23, 2013 THIS IS THE FINAL DRAFT, CERTAIN CHANGES WERE RECOMMENDED BY THE GOVERNING BODY ON VARIOUS DATES PRIOR TO SEPTEMBER 10, 2013. IN ADDITION AND AS THE RESULT OF COMMENTS MADE BY A MEMBER OF THE PUBLIC A FINAL CHANGE WAS MADE THIS DOCUMENT HAS BEEN PREPARED TO BE A SUBSTITUTE IN ITS ENTIRETY TO THE EXISTING PROPERTY MAINTENANCE CODE PRESENTLY IN EXISTENCE. TO THAT END, THIS 6<sup>TH</sup> DRAFT IS SUBMITTED TO THE GOVERNING BODY AS THE FINAL DRAFT. ALL RELEVANT PORTIONS OF THE CURRENT CODE HAVE BEEN INCLUDED HEREIN.***

**AN ORDINANCE SUBSTITUTING CHAPTER XII,  
PROPERTY MAINTENANCE OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF VICTORY GARDENS, MORRIS COUNTY**

Whereas, the Mayor and Council of the Borough of Victory Gardens, Morris County are desirous of amending and or supplementing the existing Property Maintenance Ordinance of the Borough to meet the current needs of the Borough, the Mayor and Council now enact the following Ordinance to be effective 30 days after its formal adoption:

**INTRODUCTION:** The International Property Maintenance Code (2012), is adopted as part of the Property Maintenance Code of the Borough of Victory Gardens for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code are hereby referred to adopted, and made a part hereof as if fully set forth in this section, with the additions, insertions, deletions and changes, prescribed below: In the event there is a conflict between the International Property Maintenance Code (2012) and the language set forth below, the language set forth below shall prevail.

**SECTION 12-1. ADMINISTRATION AND ENFORCEMENT**

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6<sup>th</sup> draft 10.23.2013

**SECTION 12-1. ADMINISTRATION AND ENFORCEMENT**

**12-1.1 TITLE:** These regulations shall be known as the Property Maintenance Code of the Borough of Victory Gardens, Morris County, New Jersey and shall be hereinafter referred to as this code.

**12-1.2 SCOPE:** This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, buildings, equipment and facilities for light, ventilation, space, heating sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

**12-1.3 INTENT :** This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures and premises.

**12-1.4 REFERENCED STANDARDS :** The standards in this code shall be considered part of the requirement of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

**12-1.5 EXISTING REMEDIES :** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers and agencies relating to the removal or demolition of any buildings which are dangerous, unsafe, and unsanitary.

**12-1.6 WORKMANSHIP :** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.

## SECTION 12-2 VALIDITY

**12-2.1 VALIDITY** : If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

**12-2.2 SAVING CLAUSE** : This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time *of* violation was committed.

## SECTION 12-3 APPLICATION OF CODES AND REGULATIONS

**12-3.1 APPLICATION OF OTHER CODES** : Any repairs or alterations to a structure, or changes of use therein, shall be done in accordance with the procedures and provisions of the building, plumbing, electrical, and mechanical codes pursuant to the State Uniform Construction Code.  
[N.J.S.A. 52:27D-119 et seq.]

**12-3.2 OTHER REGULATIONS** : The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those provided herein. In the event of conflict, the most restrictive provision shall apply.

## SECTION 12-4 APPROVAL

**12-4.1 MATERIALS AND EQUIPMENT** : Used materials, equipment and devices shall not be reused unless such material *has* been reconditioned, tested and placed in good an proper working condition and approved for use by the code official.

**12.4-2 ALTERNATIVE MATERIALS AND EQUIPMENT**: The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternative has been

approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**12.4-3 RESEARCH AND INVESTIGATIONS** : The code official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the code official shall approve the use of such material or assembly subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

## **SECTION 12-5 DUTIES AND POWER OF CODE OFFICIALS**

### **12-5.1 NAMED CODE OFFICIALS**

- A. Zoning Officer
- B. Building Official
- C. Fire Official
- D. Property Maintenance Official
- E. Electrical Inspector
- F. Plumbing Inspector

**12-5.2 GENERAL** : The code officials shall enforce all the provisions of this code.

**12-5.3 NOTICES, ORDERS and SUMMONSES**: The code officials shall issue all necessary notices and orders and summonses to abate illegal or unsafe conditions to insure compliance with the requirements of this code for the safety, health, and general welfare of the public.

**12-5.4 INSPECTIONS** : In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code.



**12-5.5 ACCESS BY OWNER OR OPERATOR:** Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

**12-5.6 RIGHT OF ENTRY:** If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek from a court of competent jurisdiction, an Order that such owner, occupant, or other person in charge cease and desist with such interference.

**12-5.7 CREDENTIALS :** The code official and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

**12-5.8 COORDINATION OF ENFORCEMENT :** Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

**12-5.9 RULEMAKING AUTHORITY :** The code official shall have authority to recommend to the governing body the adoption and promulgation of new rules and regulations that interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating an accepted engineering practice involving public safety.

**12-5.10 ORGANIZATION**: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy and shall exercise all the powers of the code official during the temporary absence or disability of the code official.

**12-5.11 RELIEF FROM PERSONAL LIABILITY** : Any code official, officer or employee who acts in good faith in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the code official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

**12-5.12 OFFICIAL RECORDS** : An official record shall be kept of all business and activities of the department specified in the provisions of the code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations to maintain the integrity and security of such records.

## **SECTION 12-6. NOTICES**

**12-6.1 NOTICE OF VIOLATION** : Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, the code official shall issue and cause to be served upon the owner of the building, structure or premises, or person or persons responsible therefore, a written notice requiring the owner or said persons to terminate or cause to be terminated the violations . The written notice shall state the nature of violations and a reasonable specified time within which the violations shall be corrected. The written notice shall also require the owner or said persons to take or cause to be taken any affirmative actions necessary to correct the violations.

**12-6.2 NO NOTICE REQUIRED** : Notwithstanding Section 105.1, the Code Official, on discovery of a violation of Sections 12-8, 403, 504, 602, 704.5, 704.5.1, 301.4.1, and 105.5 may immediately issue an summons answerable in municipal court, to any person, firm or corporation who shall violate any of the above named sections. For each and every violations of the above named sections a separate summons may be issued. In addition, for each and every day that the violation continues, a separate summons shall be issued.

A notice shall not be required to be issued if a violation occurs, for which a prior notice was issued, for the same violation within one (1) year.

**12-6.3 SERVICE** : Service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, or at the property in the presence of someone in the family of suitable age and discretion who shall be last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation. *The costs incurred by Borough will be recoverable through any fines assessed.*

**12-6.4 ISSUANCE OF SUMMONS** : Upon the expiration of the period set forth in any notice for the correction of any violation, if the violation is not corrected or in the opinion of the Code Enforcement Officer, corrected improperly, the Code Enforcement Office without further notification shall have the right to issue a summons for the violation. For each and every violation a separate summons will be issued. In addition, for each and every day that the violation continues, a separate summons will be issued.

**12-6.5 TRANSFER OF OWNERSHIP** : It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation or upon whom a notice of violation or summons has been served to sell, transfer, , lease or otherwise dispose of to another until provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the code official a signed and notarized statement form the grantee, transferee, or lessee, acknowledging the receipt of such compliance order or



notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 12-7 EMERGENCY MEASURES

12-7.1 VACATING STRUCTURES : When, in the opinion of the code official, there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials or use of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. He shall cause to be posted at the main entrance to such structure a notice reading as follows: It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing hazardous condition, or of demolishing the structure.

12-7.2 TEMPORARY SAFEGUARDS : Notwithstanding the other provisions of this code, whenever, in the opinion of the code official, there is actual and immediate danger of collapse or failure of a structure of other hazardous condition which would endanger life, the code official shall order the necessary work to be done including the boarding up of accessible openings, to render such structure temporarily safe and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

12-7.3 EMERGENCY WORK : For the purposes of this section, the code official shall employ the necessary labor and materials to carry out emergency services.

12-7.4 COST OF EMERGENCY WORK : Costs incurred in the performance of the emergency work shall be paid from the treasury of the jurisdiction on certificate of the code official. The Town has the right to institute appropriate action, including the placing of a Lien on the realty, against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

## SECTION 12-8 CERTIFICATE OF COMPLIANCE

**12-8.1 CERTIFICATE OF COMPLIANCE** : No owner, agent, or any person, shall rent or lease or sell or in any way deliver up for use, change of use or occupancy any business, building, dwelling unit, lodging unit, rooming unit, until a Certificate of Compliance has been issued by the Code Official.

Said Certificate of Compliance shall only be issued upon inspection of the property and finding that:

- A. the visible parts of the property, buildings and structures that are to covered by the Certificated have been inspected by the Code Official and that no visible violations of the Property Maintenance Code exist, and
- B. the use(s) comply with the requirements established by the zoning officer or are valid pre-existing non-conforming uses as determined by the Zoning Officer or Board of Adjustment.
- C. a separate Certificate of Compliance shall be required for each and every individual tenant space that exists on a property including but not limited to the occupancy of any business space, building or part thereof, dwelling unit, rooming unit or lodging unit.
- D. no Certificate shall be issued without providing the name(s), address, or phone of the renter, lessee or buyer that will assume the occupancy and /or ownership of the space in question.

The Certificate shall indicate:

- (1) the permitted use and /or tenancy,
  - (2) the Occupancy Limitations as stipulated in Section 403 that are authorized
  - (3) compliance with Section 704 - Fire Protection Systems
  - (4) compliance with Section 705 - Carbon Monoxide Detection System
  - (5) the name(s) of the seller, buyer, lessee and/ or tenant as applicable.
- E. any use of the property in question or occupancy limitation violations that

takes place on the property, that is not specifically authorized by the Certificate that is in effect at the time, shall be deemed an illegal occupancy which is a violation of this section and shall be subject to an immediate summons.

**12-8.2** The fee for a Certificates of Compliance shall be as follows:

Rental Certificate of Compliance:

Residential detached Single Family dwelling:	\$60.00 per dwelling unit \$30.00 additional for second unit
Residential Two (2) Family or Multi-Family dwelling:	\$120.00 for the first dwelling unit plus \$25.00 per additional dwelling unit
Commercial, Retail and Industrial:	\$100.00 per unit.

Sale Certificates of Compliance:

Residential detached Single Family dwelling:	\$60.00 per dwelling unit \$30.00 for second unit
Residential Two (2) Family or Multi-Family dwelling:	\$320.00 for the first dwelling unit plus \$50.00 per additional dwelling unit
Commercial, Retail and Industrial:	\$200.00 per unit.

The above fees include the cost of the initial inspection plus one (1) reinspection. Additional reinspections, whether due to non-compliance or inability to gain access for a scheduled reinspection, will be charged \$50.00 per reinspection visit. The cost for all inspections relating to the issuance of a Certificate of Compliance shall be paid in full no less than 24 hours prior to the scheduled reinspection.

**12-8.3 N.B.** *The above fees are those which are in effect upon the initial adoption of the Ordinance and may be changed from time to time by amendment to the Ordinance.*

*A Temporary Certificate of Compliance will only be considered upon written request setting forth the reason for the request and a time schedule setting forth the unfinished items and when they will be completed, and then only if all Fire or other safety issues are found to be in compliance.*

## SECTION 12-9 DEMOLITION/CONDEMNATION

12-9.1 GENERAL : The code official shall order the owner of any premises upon which is located any structure or part thereof, which in the code official's judgment is old, dilapidated or has become out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use , and that such structure would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of mor than two years, to raze and remove such structure or part thereof.

12-9.2 ORDER : The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. The order shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published once each week for three successive weeks in a newspaper authorized to provide service by publication.

12-9.3 FAILURE TO COMPLY : Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

12-9.4 SALVAGE MATERIALS : When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or



arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the terms of expense and the amounts deducted , for the use of the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

**12-9.5 CONDEMNATION-GENERAL:** When a structure or part there of is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and shall be placarded, vacated and shall not be reoccupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

**12-9.6 UNSAFE STRUCTURE:** An unsafe structure is one in which all part thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure by not providing minimum safeguards for protection from fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidate, structural, unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely.

**12-9.7 UNSAFE EQUIPMENT:** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**12-9.8 STRUCTURE UNFIT FOR HUMAN OCCUPANCY:** A structure is unfit for human occupancy or use whenever the code official finds that such a structure is unsafe, unlawful, or because the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested contains filth and contamination, or lacks ventilation, illumination, sanitary, or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**12-9.9 UNLAWFUL STRUCTURE:** An unlawful structure is one found in whole or in part be

occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**12-9.10 CLOSING OF VACANT STRUCTURES:** If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official shall be permitted to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and shall be lein upon such real estate.

**12-9.11 NOTICE:** When ever the Code official has condemned any structure or equipment under the provisions of Section 12-9, notice shall be given to the owner or person or persons responsible therefore in the manner prescribed under Section 12-6. The Code official who has condemned the property or part thereof, shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

**12-9.12 PLACARDING OF STRUCTURE:** After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure of the owner or persons responsible to comply within the time given, the code official shall post on the premises or structure or parts of thereof, or on defective equipment, a placard bearing the words: "condemned as unfit for human occupancy or use" and a statement of the penalties provided for any occupancy or use or for removing the placard.

**12-9.13 PROHIBITED USE:** Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

**12-9.14 REMOVAL OF PLACARD:** The official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard with out the approval of the code official shall be subject to penalties provided by this code.

## SECTION 12-10 VIOLATIONS

**12-10.1 UNLAWFUL ACTS** : It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any the provisions of this code , or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

**12-10.2 OTHER RIGHTS** : Nothing herein shall prevent the Town from proceeding at law or equity against the person or persons responsible for the violation for the purposes of ordering that person or persons:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the structure which is not compliance with the provisions of this code.
5. Such other relief as may be deemed necessary.

## SECTION 12-11 RIGHT TO APPEAL

**12-11.1 APPEAL PROCESS** . Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant thereto, shall have the right to appeal said decision to the Mayor and Council of the Borough *or their designee*.

### 12-11.2 APPEAL PROCEDURE

*The procedure(s) for an Appeal are as follows: shall be established by the governing body of the Borough.*

1. *The Appellant shall submit a letter to the Borough Administrator*

- within 10 days of the issuance of a notice.*
- 2. In the event the notice is received by the Borough Administrator within 5 days prior to the next regular scheduled meeting of the Borough Council, the Appeal shall be placed on the agenda for that meeting.*
  - 3. The Mayor shall appoint a committee of three Council Members to hear the matter within 14 days of their appointment. The committee shall take the testimony of the Inspector and the Appellant and whomever else the committee determines to be necessary. To aid the committee they are enabled to have the Borough Attorney act as chair of the committee.*
  - 4. Within 14 days following the hearing the committee shall make a recommendation to the Borough Council as to whether to sustain the Appeal or deny the Appeal.*
  - 5. The Borough Council at the next regularly scheduled meeting shall then act upon that recommendation and in the event the Appeal is granted they shall grant whatever relief they feel appropriate. In the event the Appeal is denied, the Inspector shall take whatever steps he is allowed under this Ordinance.*

**12-11.3 STAY OF ANY ACTION ON NOTICE.** If a timely appeal is filed, any action ordered under the notice shall be stayed until there is a determination on the Appeal unless there is an emergent matter, in the discretion of the Mayor, in which case the person receiving the notice shall be required to take all steps pursuant to the direction of the Mayor to protect the health, safety and welfare of the residents of Victory Gardens.

## **SECTION 12-12 DEFINITIONS**

**12-12.1 SCOPE :** Unless otherwise expressly state, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

**12-12.2 INTERCHANGEABILITY :** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**12-12.3 TERMS DEFINED IN OTHER CODES:** Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes, they shall have the



same meanings ascribed to them as those codes.

**12-12.4 TERMS NOT DEFINED** : Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context implies.

**12-12.5 PARTS** : Whenever the words “dwelling unit”, “dwelling”, “premises”, “building”, “rooming house”, “story”, or “structure” are used in this code, they shall be construed as though they were followed by the words, “or any part thereof”.

**12-12.6 APPLIED MEANING OF WORDS AND TERMS**

- A. **APPROVED** : Approved by the code official.
- B. **BASEMENT** : That portion of a building which is partly or completely below grade.
- C. **BATHROOM** : A room containing plumbing fixtures including a bathtub or shower.
- D. **BUILDING CODE** : The Building Sub Code adopted pursuant to The Uniform Construction Code. (B.O.C.A.)
- E. **CERTIFICATE OF COMPLIANCE**: The Certificate issued by the Code Official indicating that the property and/or tenancy has been inspected in accordance with, and complies with those items required by Section \_\_\_ at the time of issuance.
- F. **CODE OFFICIAL** : The official who is charged with the administration and enforcement of his code, or any duly authorized representative.
- G. **CONDEMN** : To adjudge unfit for use or occupancy.
- H. **DWELLING UNIT** : A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

- I **EASEMENT**: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
- J **EXTERIOR PROPERTY** : The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- K **EXTERMINATION** : The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by other approved pest elimination methods.
- L **GARBAGE** : The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food. See "RUBBISH" below.
- M **HABITABLE SPACE** : Space in a structure for living, sleeping, eating, or cooking. Bathrooms, Toilet, compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
- N **HOUSEKEEPING UNIT** : A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain , within such unit, a toilet, lavatory and bathtub or shower.
- O **INFESTATION**: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- P **INOPERABLE MOTOR VEHICLE** : A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or capable of being moved under its own power.
- Q **LET FOR OCCUPANCY OR LET** : To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, but pursuant to a written or unwritten lease, agreement or license, or

pursuant to a recorded or unrecorded agreement of contract for the sale of land.

- R.** OCCUPANCY : The purpose for which a building or portion thereof is utilized or occupied.
- S.** OCCUPANT : Any person living or sleeping in a building; or having possession of a space within a building.
- T.** OPENABLE AREA : That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- U.** OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- V.** OWNER : Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- W.** PERSON : And individual, corporation, partnership or any other group acting as a unit.
- X.** PREMISES : A lot, plot or parcel of land, easement or public way, including any structures thereon.
- Y.** PLUMBING : The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing subcode pursuant to The Uniform Construction Code.
- Z.** PUBLIC NUISANCE: Includes the following:
1. The physical condition, or use of any premises regarded as a public nuisance at common law; or

2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
  3. Any premises which has unsanitary sewage or plumbing facilities; or
  4. Any premises designated as unsafe for human habitation on use; or
  5. Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property; or
  6. Any premises from which the plumbing, heating and /or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
  7. Any premises which is unsanitary, or which is lettered with rubbish or garbage, or which has an uncontrolled growth of weeds, or;
  8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.
- Za. PUBLIC WAY :** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- Zb. ROOMING UNIT :** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- Zc RUBBISH :** Combustible and noncombustible waste materials, except garbage, and the term, shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons,



boxes, wood, excelsior, rubber, leather tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, tires, house appliances, bedding materials and dust and other similar materials.

- Zc** STRUCTURE: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened anchored or rests on a permanent foundation or on the ground.
- Zd** TENANT : A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- Ze** TOILET ROOM : A room containing a water closet or urinal but not a bathtub or shower.
- Zf** VENTILATION : The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- Zg** WORKMANLIKE : Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.
- Zh** YARD : An open space on the same lot with a building.

## SECTION 12-13 MAINTENANCE OF STRUCTURES

### 12-13 GENERAL REQUIREMENTS

**12-13.1 SCOPE** : The provisions of this article shall govern the minimum conditions and standards for maintenance of structures and exterior property.

**12.13.2 RESPONSIBILITY** : The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy or use premises

which are not in a sanitary and safe condition and which do not comply with the requirements of this section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping such unit a clean, sanitary and safe condition.

**12-13.3 VACANT STRUCTURES AND LAND** : All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

#### **EXTERIOR PROPERTY AREAS**

**12-13-4 SANITATION** : All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage.

**12-13-5 GRADING AND DRAINAGE** : All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

***Exception: Water retention areas and/or reservoirs approved by the code official.***

**12-13-6 SIDEWALKS AND DRIVEWAYS** : It shall be the responsibility of the homeowner that all sidewalks, walkways, driveways, parking spaces and similar areas shall be kept and maintained free of hazardous conditions including serious cracks, heaves and missing areas. Stairs shall comply with the requirements of \_\_\_\_\_.

**12-13-7 WEEDS** : All developed premises and exterior property shall be maintained free from weeds or plants growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided however , this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with the requirements of this code. Upon failure to comply with the notice of violation, any duly authorized employee of the Victory Gardens or contractor hired by the

Victory Gardens shall be authorized to enter the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property. Such action by the Borough shall be in addition to the issuance of a summons.

12-13.8 CLEAR VIEW OF INTERSECTION REQUIRED. The owner or tenant of lands lying within the limits of the Borough shall keep all brush, hedges, and other plant life growing within ten (10) feet of any street (as identified in General Provisions, 1-2) and within twenty-five (25) feet of the intersection of two (2) or more streets, cut to a height of not more than two and one-half (2 ½) feet where the governing body shall, by resolution, deem it necessary and expedient for the preservation fo the public safety.

#### 12-13.9 SNOW REMOVAL

(a) The owner, occupant, or person in charge of each and every dwelling house, store or other building or lot of ground in the Borough, shall within 24 hours after every fall of snow or hail or the information of ice upon the sidewalks in front of and abutting upon such house, such house, store or other building, lot or lots, remove or cause the same to be removed from the sidewalks adjacent to such dwelling house, store, building or lot. In the event of noncompliance of this section the code official may employ the necessary labor and materials to perform the required work as expeditiously as possible and the cost of such removal shall be paid the owner or agent responsible for the property.

(b) In no event shall the owner, occupant or person in charge shovel the removed snow into any public thoroughfare so as to impede snow removal by the Borough or impede the flow of traffic.

(c) The owner, occupant, or person in charge of each and every dwelling house, store or other building located within the Borough shall remove or have removed any dangerous or unsafe snow/or ice condition projecting over the sidewalk or right of way.

12-13.10 COST OF THE CUTTING OF WEEDS OR SNOW REMOVAL : Costs incurred in the performance of The Cutting of Weeds or Snow Removal work shall be paid from the treasury of the Borough on certificate of the code official. The



Borough Attorney shall institute appropriate action against the owner of the premises, where the weeds were cut or the snow was removed, for the recovery of such costs. Such action by the Borough shall be in addition to the issuance of a summons.

**12-13.11 RODENT HARBORAGE** : All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**12-13.12 EXHAUST VENTS** : Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**12-13.13 ACCESSORY STRUCTURES** : All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound in good repair.

**12-13.14 MOTOR VEHICLES** : Except as provided in other regulations, no inoperable, unlicensed unregistered motor vehicle shall be parked, kept or stored on any property and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

***Exception: A vehicle is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed areas designed and approved for such purposes.***

**12-13.15 FIREWOOD** : All firewood shall be stacked neatly and shall be raised a minimum of eight inches off the ground and shall not be stacked or stored within any front or side yard, nor within three feet of the property line any rear yard, as set forth in Chapter 236, Article IV, Zoning. Firewood shall not be stacked to a height of more than six feet as measured from the ground.

## **SECTION 12-14 EXTERIOR STRUCTURE**

**12-14.1 GENERAL** : The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health,



safety or welfare.

**12-14.2 PROTECTIVE TREATMENT** : All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter or windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**12-14.3 STREET NUMBERS** : Each building to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. Address numbers shall be Arabic numerals or alphabet letters at least 3 inches high with a minimum stroke width of 0.5 inches. (Put numbers on house facing the street)

**12-14.4 STRUCTURAL MEMBERS** : All structural members shall be maintained free of deterioration, and capable of safety bearing the imposed dead and live loads.

**12-14.5 FOUNDATION WALLS** : All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

**12-14.6 EXTERIOR WALLS** : All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**12-14.7 ROOFS AND DRAINAGE** : The roof and flashing shall be sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from

obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**12-14.8 DECORATIVE FEATURES** : All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**12-14.9 OVERHANG EXTENSIONS** : All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**12-14.10 CHIMNEYS AND TOWERS** : All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**12-14.11 HANDRAILS AND GUARDRAIL** : Every exterior flight of stairs having more than four risers shall have a handrail on at least one side of the stair, and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surfaces which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the tread or above the finished floor or the landing or walking surfaces. Guards shall not be than 30 inches high above the floor of the landing, porch deck, ramp, balcony or other walking surface. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

**12-14.12 WINDOW, SKYLIGHT AND DOOR FRAMES** : Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**12-14.13 GLAZING** : All glazing materials shall be maintained free of cracks and holes.

**12-14.14 OPENABLE WINDOWS** : Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**12-14.15 INSECT SCREENS**: During the period from May 1 to Oct. every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparations areas, food services areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self closing device in good working condition.

**EXCEPTION:** *Screen doors shall not be required for out swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.*

**12-14.16 DOORS** : All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

**12-14.17 BASEMENT HATCHWAYS** : Every basement hatchway shall be maintained to prevent the entrances of rats, rain and surface drainage water.

**12-14.18 GUARDS FOR BASEMENT WINDOWS** : Every basement window which is operable shall be supplied with rat proof shield, storm windows or other approved protection against the entry of rats.

## **SECTION 12-15 INTERIOR STRUCTURE**

**12-15.1 GENERAL** : The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**12-15.2 STRUCTURAL MEMBERS** : The supporting structural members of every building shall be maintained structurally sound, and capable of carrying the imposed loads.

**12-15.3 INTERIOR SURFACES** : All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

**12-15.4 LEAD BASED PAINT** : Interior and exterior painted surfaces of dwellings, child and day care facilities, including fences and outbuildings, that contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall be first be marked with warnings as to the lead content of such surface.

**12-15.5 ACCUMULATION OF RUBBISH OR GARBAGE** : The interior and exterior of every structure and shall be free from any accumulation of rubbish, or garbage.

**12-15.6 INSECT AND RAT HARBORAGE** : All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**12-15.7 STAIRS AND RAILINGS** : All interior stairs and railings shall be maintained in sound condition and good repair.

**12-15.8 HANDRAILS AND GUARDRAIL** : Every interior flight of stairs having more than four risers shall have a handrail on at least one side of the stair, and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above that floor or grade below shall have guards. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing the tread or above finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, porch deck, ramp, balcony or other walking surface. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

## **SECTION 12-16 SWIMMING POOLS, SPAS AND HOT TUBS**



## SECTION 12-17 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

12-17.1 SCOPE: The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure.

12-17.2 RESPONSIBILITY: The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner occupant, or permit another person to occupy or use any premises that do not comply with the requirements of this section.

12-17.3 ALTERNATIVE DEVICES: In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation shall be permitted when complying with the building code.

### LIGHT

12-17.4 HABITABLE SPACES: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens when artificial light is provided in accordance with the provisions of the building code.

Wherever walls or other portions of a structure face a window of any room and such obstruction are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

12-17.5 OTHER SPACES : all other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

### VENTILATION

12-17.6 HABITABLE SPACES : Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at

least 45 percent of the minimum glazed area required.

**12-17.7 BATHROOMS AND TOILET ROOMS** : Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by 401.1, except that a window shall not be required in spaces equipped with a mechanical ventilation systems that complies with the following:

- A. Air exhausted by a mechanical ventilation system for a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
- B. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space or not more than 85 percent of the exhaust air shall be recirculated where the system is provided effective absorption and filtering equipment complying with the mechanical code.

**12-17.8 COOKING FACILITIES** : Unless, approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

**Exception:** *Where specifically approved in writing by the code official.*

**12-17.9 PROCESS VENTILATION** : Where injurious, toxic, irritating or noxious fumes, gases, dust, or mists are generated, a local exhaust ventilation system shall be provided to remove that contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**12-17.10 CLOTHES DRYER EXHAUST** : Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

**12-17.11 WASHING MACHINES CONNECTIONS:** Washing machines shall be connected in a proper manner according to manufacturer's recommendation and must drain into the sewer line. No washing machine shall drain onto as area outside of the structure.

## OCCUPANCY LIMITATIONS

**12-17.12 PRIVACY** : Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separated from other adjoining spaces.

**12-17.13 ACCESS FROM SLEEPING ROOMS** : Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

**Exception:** *Dwelling units that contain fewer than two bedrooms.*

**12-17.14 AREA FOR SLEEPING PURPOSES** : Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

**12-17.15 WATER CLOSET ACCESSIBILITY**: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**12-17.16 OVER CROWDING**: Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table 403.5

TABLE 403.5

MINIMUM OCCUPANCY AREA REQUIREMENTS

Space	Minimum area in sq. ft	Minimum area in sq. ft	Minimum area in sq. ft.
	1-2 occupants	3-5 occupants	6 or more
Living room	no requirements	120	150
Dining room	no requirements	80	100

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(201) 656-8600  
PREPARED: SEPTEMBER 10, 2007  
2<sup>nd</sup> draft 3/11/2011  
3<sup>rd</sup> draft 5.6.2013  
4<sup>th</sup> draft 7.27.2013  
5<sup>th</sup> draft 9.10.2013  
6<sup>th</sup> draft 10.23.2012

Kitchen	50	50	60
Bedrooms	PM-403.3	PM-403.3	PM-403.3

**SECTION 12-18 MINIMUM SPACE, USE AND LOCATION REQUIREMENTS.**

**12-18.1** No person shall occupy or let to another for occupancy any dwelling, dwelling unit or building for the purpose of living therein which does not comply with the following requirements.

- C. No basement or cellar shall be used as a habitable room or dwelling unit unless:

**12-18.2 COMBINED SPACES** : Combined living room and dining room spaces shall comply with the requirements of Table 403.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room dining room.

**12-18.3 PROHIBITED USE**: Kitchens, non-habitable spaces and interior ( public) areas shall not be use for sleeping purposes.

**12-18.4 MINIMUM CEILING LIGHTS**: Habitable spaces, hallways, corridor, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet. The minimum headroom in all parts of the stairway shall not be less than 6 feet, 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

***Exceptions***

- 1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.***



2. ***Rooms used exclusively for sleeping, study, or similar uses and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor areas with a clear ceiling height of 5 feet or more shall be included.***
3. ***Basement rooms in one and two-family dwellings used exclusively for laundry, study, or recreation purposes having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts, and similar obstructions.***

**12-18.5 MINIMUM ROOM WIDTHS:** A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

**12-18.6 FOOD PREPARATION:** All spaces to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

**12-18.7 EFFICIENCY UNIT :** Nothing in this section shall prohibit an efficiency unit from meeting the following requirements:

## **SECTION 12-19 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

**12-19.1.1 SCOPE :** The provisions of this article shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

**12-19.1.2 RESPONSIBILITY :** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy or use any structure or portion thereof or premises which does not comply with the requirements of this section.

## REQUIRED FACILITIES

12-19.1.3 DWELLING UNITS: Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

12-19.1.4 HOTELS : Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower accessible from a public hallway shall be provided for each ten occupants.

12-19.1.5 EMPLOYEE'S FACILITIES : Employees shall have a minimum of one water closet, one lavatory and one drinking facility available for use.

12-19.1.6 DRINKING FACILITIES : Drinking facilities shall be a drinking foundation, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

### 12-19.1.7 TOILET ROOMS

12-19.1.8 PRIVACY : Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

12-19.1.9 LOCATION : Toilet rooms and bathrooms serving hotel units, rooming units, or dormitory units, shall be accessible by traversing not more than one flight of stairs and be accessible from a common hall or passageway.

12-19.1.10 LOCATION OF EMPLOYEE TOILET FACILITIES : Toilet facilities shall be accessible within the employee's regular working area. The path of travel to the facilities shall not exceed a travel distance of 500 feet or traverse more than one flight of stairs. Employee facilities shall either be separate facilities or public customer facilities.

***Exception: Facilities required for employees in storage buildings or kiosks located in adjacent buildings under the same ownership, lease, or control, shall be a maximum distance of travel of 500 feet from the employee's regular working area to***

*the facilities.*

## PLUMBING FIXTURES

12-19.1.11 GENERAL: All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which such plumbing fixture are designed. All plumbing fixtures shall be maintained in a safe, sanitary and usable condition.

12-19.1.12 FIXTURE CLEARANCES: Plumbing fixtures shall have adequate clearances for use and cleaning.

## WATER SYSTEM

12-19.1.13 GENERAL: Every sink, lavatory, bathtub or shower, drinking foundation, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

12-19.1.14 CONTAMINATION : The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

12-19.1.15 SUPPLY : The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free of defects and leaks.

12-19.1.16 WATER HEATING FACILITIES : Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas burning water heater shall not be located in any bathroom, bedroom or other occupied room

normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

### SANITARY DRAINAGE SYSTEM

12-19.1.17 GENERAL: All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

12-19.1.18 MAINTENANCE: Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

### STORM DRAINAGE

12-19.1.19 GENERAL: Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

12-19.1.20 SUMP PUMP DISCHARGE: Sump pumps shall not be discharged in a manner that creates a public nuisance. Discharges shall be piped directly into an approved drainage inlet or storm water collection system. If a drainage inlet or storm water collection system is not available within a reasonable distance of the property in question, said discharge may be piped directly to the street gutter is approved by the Town Engineer. No sump pump or discharge piping shall be installed without the requisite plumbing permit.

## SECTION 20      MECHANICAL AND ELECTRICAL REQUIREMENTS

12-20.1 GENERAL The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.

12-20.2 RESPONSIBILITY: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy or use any premises which does not comply with the requirements of this section.

### HEATING FACILITIES

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6<sup>th</sup> draft 10.23.2012



**12-20.3 RESIDENTIAL BUILDINGS:** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) At a level of 3 feet above the floor and distance of 3 feet from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from Oct. 1 to May 1 to maintain a room temperature of not less than 68 degrees F (21 degrees C.) In all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 65 degrees F. (18 degrees C.) During other hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls. When the outdoor code, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

**12-20.4 NON-RESIDENTIAL STRUCTURES :** Every enclosed occupied work space shall be supplied with sufficient heat during the period of Oct. 1 to May 1 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) During all working hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls.

**Exceptions:**

- 1. Processing, storage and operation areas that require cooling or special temperature conditions.**
- 2. Areas in which persons are primarily engaged in vigorous physical activities.**

**12-20.5 COOKING AND HEATING EQUIPMENT :** All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be properly installed and maintained free from leaks and obstructions.

**12-20.6 MECHANICAL EQUIPMENT :** All mechanical equipment shall be properly installed and maintained in safe working condition , and capable of performing the intended function.

**12-20.7 FLUE:** All fuel burning equipment and appliances shall be connected to an approved chimney or vent.

***Exception: Fuel burning equipment and appliances that are labeled for invented operation.***

**12-20-8 CLEARANCES:** All required clearances to combustible materials shall be maintained.

**12-20.9 SAFETY CONTROLS :** All safety controls for fuel burning equipment shall be maintained in effective operation.

**12-20.10 COMBUSTION AIR:** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel burning equipment.

**12-20.11 ENERGY CONSERVATION DEVICES :** Devices purporting to reduce fuel consumption by attachment to a fuel supply line thereto, or the vent outlet or vent pipping therefrom shall not be used labeled for such use and the installation is specifically approved.

**12-20.12 FIREPLACES:** Fireplaces and solid fuel burning appliances shall be properly installed and maintained in a safe working condition.

## **SECTION 12-21 ELECTRICAL FACILITIES**

**12-21.1 FACILITIES REQUIRED :** Every building used for human occupancy shall be provided with an electrical system in compliance with the requirements 602.1 through 602.2.

**12-21.2 RECEPTACLES:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry areas shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle. Any receptacle within 5' of a water source shall be protected by a Ground Fault Circuit Interrupter [GFCI].

***Exception: a receptacle being used by a refrigerator and not accessible to other use.***

**12-21.3 LIGHTING FIXTURES:** Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

**12-21.4 SERVICE :** Every dwelling shall be served by a main service which is not less than 60 ampere, three wire.

12-21.5 INSTALLATION : All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

12-21.6 ELECTRICAL SYSTEM HAZARDS : Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring and installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## SECTION 12-22 ELEVATORS, ESCALATORS AND DUMBWAITERS

12-22.1 GENERAL: Elevators, dumbwaiters, and escalators shall be maintained to safety sustain imposed loads, to operate properly, and to be free of physical and fire hazards.

12-22.2 ELEVATORS: In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

***Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.***

## SECTION 12-23 FIRE SAFETY REQUIREMENTS

12-23.1 SCOPE: The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

12-23.2 RESPONSIBILITY : The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code. A person shall not occupy as owner occupant or permit another person to occupy or use any premises that do not comply with the requirements in this section.

## MEANS OF EGRESS

12-23.3 GENERAL: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

12-23.4 LOCKED DOORS: All doors in the required means of egress shall be readily operable from the inner side without the use of keys, except as provided in the building code. Exits from dwelling units, rooming units, guest rooms, and dormitory

units shall not lead through other such units, or through toilet rooms or bathrooms.

**12-23.5 EXIT SIGNS:** All means of egress shall be indicated with approved exit signs where required by the building code. All exit signs shall be maintained visible and all illuminated exit signs shall be illuminated at all times that the building is occupied.

**12-23.6 NUMBER OF EXITS :** In nonresidential buildings, every story used for human occupancy more than six stories above grade shall be provided not less than two independent exits. In residential buildings every story exceeding two stories above grade shall be provided not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every story used for human occupancy totally below grade greater than 2,000 square feet shall be provided with not less than two independent exits.

**Exceptions: A single exit is acceptable under any one of the following conditions:**

1. **Where the building is equipped throughout with an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common areas, or;**
2. **Where the building is provided with an automatic fire alarm system and the exit is a smoke proof enclosure or pressurized stairway, or;**
3. **Where an existing fire escape conforming to the building code is provided in addition to the single exit.**
4. **In stories that require only one exit in accordance with the requirements of the building code.**
5. **In buildings of Use Group R-3**

**12-23.7 EXIT CAPACITY :** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code.

**12-23.8 CORRIDOR ENCLOSURE :** All corridors serving an occupant load of greater than 30 and with openings therein, shall provide an effective smoke barrier. All transoms, louvers, doors and other openings shall be closed or shall be self closing.

**12-23.9 DEAD-END TRAVEL DISTANCE:** All corridors which serve more than one exit



shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet where the building is not equipped throughout with an automatic fire suppression system. The dead-end travel distance limitation shall be increase to 70 feet where the building is equipped throughout with an automatic fire suppression system.

**12-23.10 EMERGENCY ESCAPE** : Every sleeping room located in a basement or attic shall have at least one operable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. All emergency egress, or rescue windows, doors and exists shall comply with the requirements of the State of New Jersey Uniform Construction Code.

**Exception: Building equipped throughout with a complete automatic fire suppression system.**

**12-23.11 AISLES** : In all mercantile occupancies, aisles shall have a minimum unobstructed clearance of 44 inches where serving an occupant load of greater than 50, and 36 inches where serving an occupant load of not greater than 50.

**12.23.12 INFORMATION SIGNS** : A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings more than 75 feet above the lowest level of fire department access shall be marked with approved signs reading as follows: "Use Stairways in Case of Fire-Do Not Use Elevators".

## ACCUMULATIONS AND STORAGE

**12-23.13 ACCUMULATIONS** : Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

**12-23.14 HAZARDOUS MATERIAL** : Combustibles, flammable, explosive or other hazardous material, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

## SECTION 12-24 FIRE RESISTANCE RATINGS

12-24.1 GENERAL : The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

12-24.2 MAINTENANCE : All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold open devices is prohibited.

### FIRE PROTECTION SYSTEMS

12-24.3 GENERAL : All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in proper operating condition at all times.

12-24.4 FIRE SUPPRESSION SYSTEM : Fire suppression systems shall be maintained in good condition and free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion, paint, and damage.

12-24.5 STANDPIPE SYSTEMS : Hose connections shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

12-24.6 FIRE EXTINGUISHER : All portable fire extinguisher shall be visible, accessible, and shall be maintained in an efficient and safe operating condition.

12-24.7 SMOKE DETECTORS : All residential occupancies shall be provided with a minimum of one approved single station smoke detector in the sleeping area, guest room or suite of a hotel, motel, lodging house, boarding house or dwelling unit. The detectors shall be located on each level in accordance with the building code. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

12-24.8 TAMPERING : Anyone tampering or interfering with effectiveness or a smoke detector shall be in violation of this code.

### CARBON MONOXIDE DETECTION SYSTEM

12-24.9 CARBON MONOXIDE DETECTORS : Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3, and R-4, except for units in buildings that do not contain a fuel-burning device or have an attached garage. They shall be installed in accordance with NJAC 5:70-4.19 and all

referenced codes.

## SECTION 12-25: RESPONSIBILITIES OF PERSONS

12-25.1 SCOPE : The provisions of this section shall govern the responsibilities of person for the maintenance of structures, equipment, and exterior property.

### SANITARY CONDITIONS

12-25.2 CLEANLINESS : Every occupant of a structure shall keep that part of the structure and exterior property which such occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units, or two or more non-residential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

12-25.3 DISPOSAL OF RUBBISH AND GARBAGE : Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

12-25.4 GARBAGE FACILITIES : The owner of every dwelling shall supply one of the following : an approved mechanical food waste grinder in each dwelling unit, or an approved leak proof, covered outside garbage container.

12-25.5 CONTAINERS : The operator of every establishment producing garbage shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials unit removed from the premises for disposal.

12-25.6 RUBBISH STORAGE FACILITIES : The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

### EXTERMINATORS

12-25.7 OWNER : The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

12-25.8 OCCUPANT : The occupant of any structure shall be responsible for the continued rat proof condition of the structure, and if the occupant fails to maintain the rat proof condition, the cost of extermination shall be responsibility of the occupant.

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6<sup>th</sup> draft 10.23.2012

**12-25.9 SINGLE OCCUPANCY** : The occupant of a structure containing a single dwelling unit or of a single non-residential structure shall be responsible for the extermination of any insects, rats, or other pests on the premises.

**12-25.10 MULTIPLE OCCUPANCY**: The owner of a structure containing two or more dwelling units, a multiple occupancy, or non-residential structure shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and exterior property. When infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

## **SECTION 12-26: HAZARD ABATEMENT IN EXISTING BUILDINGS**

**12-26.1 SCOPE**: The provisions of this section are intended to provide a reasonable degree of safety to persons occupying existing buildings that do not conform to the minimum requirements of the building code by requiring alterations to such existing buildings as provided for in this section.

**12-26.2: APPLICATION OF OTHER CODES**: All alterations to an existing building which are caused directly or indirectly by the enforcement of this code shall be done in accordance with the applicable procedures and provisions of the building code, plumbing code, electrical code and mechanical code.

**12-26.3: CONTINUED MAINTENANCE** : All service equipment, means of egress devices and safeguards which are required by this section or which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order. The requirements of this section are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings. These requirements are intended to require existing buildings that do not comply with these provisions to be altered to provide a minimum level of safety as required herein.

**12-26.4 ALTERNATIVE METHOD AND SYSTEMS** : The provisions of this section are not intended to exclude the acceptance and approval of alternative methods and systems where such alternative methods and systems provide equivalent safety to the occupants of the existing buildings.

**12-26.5 RESPONSIBILITY** : The owner of the existing building or structure shall provide and maintain such facilities, equipment and systems in compliance with these requirements and the fire prevention code.



## SECTION 12-27: ELEVATOR RECALL

12-27.1 REQUIRED : All elevators having a travel distance of 25 feet or more above or below the primary level of elevator access for emergency fire fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASMEA 17.1

## 12-27.2 MECHANICAL EQUIPMENT CONTROL.

12-27.3 SMOKE AND HEAT DETECTION : Each recirculating air or exhaust system serving more than one floor in buildings that exceed six stories in height shall be equipped with approved smoke and heat detection devices in accordance with the mechanical code. The devices shall stop the fan or fans automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system.

## SECTION 12-28: OUTDOOR STORAGE

12-28.1 STORAGE OF HOUSEHOLD SOLID WASTE: It shall be unlawful for any residential property owner or tenant to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential except in a fully enclosed structure or during days designated for the collection of bulky items.

12-28.2 STORAGE OF TIRES: It shall be unlawful for any residential property owner or tenant to permit the store of tires in area zoned residential except in a fully enclosed structure or on days designated for the collection of tires.

12-28.3 INOPERABLE VEHICLES: It shall be unlawful for any person to keep or permit the inoperable vehicle on private property, vacant lots and/or residential lawns, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which is (a) missing tires, wheels, engine, or any essential parts; or (b) which in not currently used for transportation on a regular basis; or (c) which does not display a current, valid license, or (d) which is wrecked disassembled or partially disassembled . Any such vehicle on the public right-of-way is subject to be removed by the Borough, without liability, at the owner's expense.

12-28.4 PARKING ON LAWN PROHIBITED: It shall be unlawful for any residential property owner or tenant to park or permit the parking of any vehicle on his or her residential lawn.

## SECTION 12-29 YARD WASTE COLLECTION PROGRAM:

12-29.1 The purpose of this section is to establish a yard waste collection and disposal program in the Borough of Victory Gardens, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

12-29.2 For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Containerized shall mean the placement of yard waste in biodegradable bags only such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with storm water.

Person shall mean any individual, corporation, company, partnership, firm, association, or political division of this State subject to the jurisdiction of the Borough of Victory Gardens.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is in an existing State, County or Municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Yard shall mean leaves and grass clippings.

## YARD WASTE COLLECTION

12.29.3 Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection and shall not be placed closer than the (10) feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this section. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this section. For the purposes of this section, the occupant of the premises in front of which the waste has been placed is presumed to have placed it there.

## SECTION 12-30 PENALTIES FOR VIOLATIONS OF THIS CODE

**12-25.1** Except as otherwise provided in each section of this Code, all penalties imposed shall be in conformity with Section 1-5 of this Code which is established pursuant to N.J.S.A. 40:49-5.

### 12-31 FIRE RESISTANCE RATINGS

**12-31.1 General:** The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

**12-31.2 Maintenance:** All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold open devices is prohibited.

### 12-32 FIRE PROTECTION SYSTEMS

**12-32.1 General:** all systems, devices and equipment to detect a fire, activate an alarm, or suppress or control a fire or any combination thereof shall be maintained in proper operating condition at all time.

**12-32.2 Fire Suppression System:** Fire suppression systems shall be maintained in good condition and free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion, paint and damage.

**12-32.3 Standpipe Systems:** Hose connections shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, free of deterioration.

**12-32.4 Fire Extinguisher:** All portable fire extinguisher shall be visible, accessible and shall be maintained in an efficient and safe operating condition. All one and two family dwelling units at a change of occupancy shall be provided with a portable fire extinguisher in accordance with N.J.S.A. 52:27D-198.1.

**12-32.5 Smoke Detectors:** A structure used or intended for use for residential purposes

shall have a smoke sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedroom and located on or near the ceiling in accordance with the National Fire Protection Association Standard No. 74-1984 for the installation, maintenance, and use of household fire warning equipment. The installation of battery operated smoke sensitive devices shall be accepted as meeting the requirement of this section. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the New Jersey Bureau of Fire Safety.

**12-32.6 Tampering:** Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.



***SIXTH DRAFT : OCTOBER 23, 2013 THIS IS THE FINAL DRAFT, CERTAIN CHANGES WERE RECOMMENDED BY THE GOVERNING BODY ON VARIOUS DATES PRIOR TO SEPTEMBER 10, 2013. IN ADDITION AND AS THE RESULT OF COMMENTS MADE BY A MEMBER OF THE PUBLIC A FINAL CHANGE WAS MADE THIS DOCUMENT HAS BEEN PREPARED TO BE A SUBSTITUTE IN ITS ENTIRETY TO THE EXISTING PROPERTY MAINTENANCE CODE PRESENTLY IN EXISTENCE. TO THAT END, THIS 6<sup>TH</sup> DRAFT IS SUBMITTED TO THE GOVERNING BODY AS THE FINAL DRAFT. ALL RELEVANT PORTIONS OF THE CURRENT CODE HAVE BEEN INCLUDED HEREIN.***

**AN ORDINANCE SUBSTITUTING CHAPTER XII,  
PROPERTY MAINTENANCE OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF VICTORY GARDENS, MORRIS COUNTY**

Whereas, the Mayor and Council of the Borough of Victory Gardens, Morris County are desirous of amending and or supplementing the existing Property Maintenance Ordinance of the Borough to meet the current needs of the Borough, the Mayor and Council now enact the following Ordinance to be effective 30 days after its formal adoption:

**INTRODUCTION:** The International Property Maintenance Code (2012), is adopted as part of the Property Maintenance Code of the Borough of Victory Gardens for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code are hereby referred to adopted, and made a part hereof as if fully set forth in this section, with the additions, insertions, deletions and changes, prescribed below: **In the event there is a conflict between the International Property Maintenance Code (2012) and the language set forth below, the language set forth below shall prevail.**

**SECTION 12-1. ADMINISTRATION AND ENFORCEMENT**

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Adopted: 3/14/14

12-30.4 Fire Extinguisher: All portable fire extinguisher shall be visible, accessible and shall be maintained in an efficient and safe operating condition. All one and two family dwelling units at a change of occupancy shall be provided with a portable fire extinguisher in accordance with N.J.S.A. 52:27D-198.1.

12-30.5 Smoke Detectors: A structure used or intended for use for residential purposes shall have a smoke sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedroom and located on or near the ceiling in accordance with the National Fire Protection Association Standard No. 74-1984 for the installation, maintenance, and use of household fire warning equipment. The installation of battery operated smoke sensitive devices shall be accepted as meeting the requirement of this section. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the New Jersey Bureau of Fire Safety.

12-30.6 Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

### 12-31 CARBON MONOXIDE DETECTION SYSTEMS

12-31.1 Carbon Monoxide Detectors: Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3, and R-4, except for units in buildings that do not contain a fuel-burning device or have an attached garage. They shall be installed in accordance with NJAC 5:70-4.19 and shall be referenced codes.

### 12-32 TIME TO CORRECT VIOLATIONS OF THIS ORDINANCE

In all cases where a Notice of Violation is issued, the property owner shall have 30 days to correct the violation. In instances where the correction may take more than 30 days, the property owner may advise the Inspector of such a situation and in that event the Inspector may allow an additional 30 days to correct the violation.

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