

Chapter 254

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[HISTORY: Adopted by the Council of the City of Jersey City 5-4-1971 as Ch. 13 of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128. Amendments noted where applicable.]

GENERAL REFERENCES

Handbills and littering — See Ch. 81.
 Numbering of buildings — See Ch. 108.
 Certificates of occupancy — See Ch. 119.
 Uniform construction codes — See Ch. 131.
 Fees and charges — See Ch. 160.
 Housing accommodations — See Ch. 188.
 Multiple dwellings — See Ch. 218.
 Noise — See Ch. 222.
 Paint stripping — See Ch. 233.

Graffiti — See Ch. 242, Art. II.
 Disclosure of presence of lead-based paint — See Ch. 257.
 Retail and commercial premises — See Ch. 263.
 Security gates — See Ch. 278.
 Solid waste collection and removal; recycling — See Ch. 287.
 Snow and ice removal; use of streets and sidewalks — See Ch. 296.
 Trees — See Ch. 321.

**ARTICLE I
General Provisions**

§ 254-1. Title.

This chapter may be cited as the “Property Maintenance Code” and may be referred to herein as “this chapter.”

§ 254-2. Findings.

A. It is hereby found and declared that there are located within the city buildings used for residential and nonresidential purposes which have become or are becoming substandard with respect to structure, equipment, maintenance, occupancy, sanitation or use; and it is further declared that such conditions, which include but are not limited to lack of maintenance of exterior or interior of premises, faulty design, construction or installations, lack of proper sanitary facilities, fire or accident hazards, unsanitary conditions, infestation or overcrowding, have made these buildings either unfit for human habitation, occupancy or use or so deteriorated, dilapidated, dangerous, unsanitary, neglected or over-occupied as to jeopardize or be detrimental to the health, morals, safety or welfare of the people of the city. It also is recognized that to make housing more livable we must have homemaking and other social services as well as enforcement of the Property Maintenance Code’s physical standards.

- B. It is further found and declared that, among other reasons, because of lack of maintenance and progressive deterioration, certain properties have become blighted and have had the further effect of causing blighting conditions within the city that have necessitated an excessive and disproportionate expenditure of public funds for health, fire protection, public safety, welfare and other public services. However, it is further found and declared

(Cont'd on page 25405)

that through appropriate regulations and restrictions, as herein contained, the growth of blight and blighting conditions can be curbed or prevented and neighborhood and property values thereby maintained, the appearance and amenities of properties and neighborhoods can be enhanced and the public health, safety and welfare protected and fostered.¹

§ 254-3. Purpose; other standards.

- A. The purpose of this Property Maintenance Code is to protect the public health, safety, morals and welfare and to eliminate and to prevent the spread of property and neighborhood deterioration and blight by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities and facilities of dwellings and other physical components and conditions in dwellings and nonresidential buildings essential to make the same fit for human habitation, occupancy or use; to fix certain responsibilities and duties upon owners and managers and distinct and separate responsibilities and duties upon occupants; to require the licensing and regulation of all boardinghouses and lodging houses; to authorize and establish procedures for the inspection of residential and nonresidential premises and for the general administration and enforcement of this chapter; to provide for the vacation and repair or demolition of premises unfit for human habitation or occupancy or use; to provide for the right of access across adjoining premises to permit repairs; and to fix penalties for violations of this chapter. This Property Maintenance Code is hereby declared to be remedial and essential for the public interest and it is intended that it be liberally construed to effectuate the purposes as stated herein.
- B. The New Jersey State Housing Code, as amended from time to time, N.J.A.C. 5:28-1 et seq., is hereby adopted by reference as a supplement to the Jersey City Property Maintenance Code subject to the condition that the Jersey City Property Maintenance Code shall apply whenever it contains a standard more stringent than that contained in the New Jersey Housing Code. [Added 4-28-1993 by Ord. No. 93-038]

§ 254-4. Definitions.

As used herein, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — A structure, the use of which is incidental to that of the main building and which is attached to the main building or located on the same premises.

ALTERATION — A change or rearrangement in the structural parts or exit facilities of a structure; or an enlargement thereof, whether done by extending on a side or by increasing the height; or the moving thereof from one location or position to another; or a change in use or occupancy thereof from one use group to another of different legal requirements.

AREA INSPECTION — Systematic property-to-property, block-to-block inspection of 10 or more premises within an area designated by the city through its Division of

¹ Editor's Note: Original Subsection (c), which followed this subsection and dealt with boardinghouses and lodging houses, was deleted 6-14-1995 by Ord. No. 95-050.

Construction Code Official and its Division of Planning for concentrated area code enforcement in order to implement neighborhood maintenance, rehabilitation or urban renewal programs of the city. [Amended 8-13-1997 by Ord. No. 97-052]

BASEMENT — That portion of a building which is partly below and partly above grade, but has more than 1/2 of its height, measured vertically from clear floor to ceiling, above the average level of the adjacent finished grade.

BATHROOM — An enclosed space containing at least one lavatory, one toilet and one bathtub or one shower.

BUILDING — Any structure designed or used for the housing, shelter, enclosure and/or support of individuals, animals or property of any kind and any appurtenances or outhouses belonging thereto or used therewith or for mixed use as defined herein.

BUILDING CODE — The Building Code of the City of Jersey City.²

CELLAR — That portion of a building which is partly or wholly below grade and has one-half (1/2) or more of its height, measured vertically from clear floor to ceiling, below the average level of the adjacent finished grade.

CENTRAL HEATING SYSTEM — The main heat appliance and accessory components serving all residential and nonresidential units in a building wherein the main appliance is located in a fire-resistant enclosed space or spaces rated adequate under the provisions of the Building Code in Chapter 131 and separate and apart from the area to be heated, is affixed permanently on a fireproof base and is connected to a listed venting system as required by the Building Code.

CHIEF — The executive official in charge of the Division of Construction Code Official or his or her authorized representative. [Amended 8-13-1997 by Ord. No. 97-052]

CODE — The Code of the City of Jersey City (1995) or the Jersey City Code (1995). [Amended 6-14-1995 by Ord. No. 95-050]

COMMUNITY KITCHEN — A room or part of a room in which food and drink are cooked or prepared, whose use is shared by occupants of one or more rooming units, two or more dwelling units or any combined number of rooming units and dwelling units. A "community kitchen" may be used in conjunction with one or more furnished apartments, provided that the cooking unit shall not consist of more than four burners and one oven in each such installation.

DETERIORATING — A condition which necessitates more repair than would be provided in the course of regular maintenance because of the existence of one or more intermediate defects which will lead to more serious damage or danger if not corrected.

DILAPIDATED — An unsafe or inadequate condition because of one or more critical defects or a combination of intermediate defects in sufficient number to require extensive repair or rebuilding or because of inadequate original construction.

² Editor's Note: See Ch. 131, Construction Codes, Uniform.

DIRECTOR — The chief administrative officer of the Division of Construction Code Official. [Amended 8-13-1997 by Ord. No. 97-052]

DISABLED PERSON — Any person who by reason of a physical or mental condition is not sufficiently ambulatory or otherwise is unable to reach or use the two means of egress most accessible to his or her living quarters without assistance and with reasonable facility or who is unable to attend to daily personal and bodily needs.

DORMITORY — A building or portion thereof maintained and operated by a college, monastery, trucking company, railroad company or other person wherein there is one room which contains more than one bed, or there is a series of independent sleeping rooms which are rented or which are intended for rent, or for which a fee is charged, or the beds or rooms are used by and for employees. A railroad bunk room is included in this definition.

DWELLING — Any occupied or vacant house, building or portion thereof designed or intended for use as a permanent or transient residence for humans.

DWELLING UNIT — Any room or group of rooms located within a dwelling arranged for the use of one or more individuals as a single housekeeping unit, and includes cooking, living, sanitary and sleeping facilities.

EMANCIPATED MINOR — Any person under the age of 18 who is gainfully employed and self-supporting or who is married to a spouse who is gainfully employed and who supports said minor or who is a student living away from home and in regular attendance at an institution of higher learning. [Amended 6-14-1995 by Ord. No. 95-050]

ESTABLISHMENT SUBJECT TO LICENSING — Any boardinghouse or lodging house, including nursing homes, hotels, motels, tourist homes, furnished apartments, dormitories, fraternity and sorority houses, which is required to be licensed to operate as such pursuant to § 254-82 under the provisions of this chapter.

EXPOSED TO PUBLIC VIEW — Any premises or building or any part of either which may be lawfully viewed by the public from a sidewalk, street or alleyway or from any adjoining or neighboring premises.

EXTERMINATION — The control and elimination of insects, rodents or other pests by removing their harborage places; by removing or making inaccessible food, dirt, waste or other materials that may serve as their food; by trapping or fumigating or by poisoning or spraying with effective insecticides, pesticides or rodenticides; or by other approved legal means of pest elimination.

FAMILY — The head of the family, the spouse, if any, and the parents and children (including foster or adopted children, if any) of either the head of the family or spouse or of both of them.

FIELD REPRESENTATIVE — The authorized representative of the Chief of the Division of Construction Code Official, Department of Housing, Economic Development and Commerce, who is assigned to inspect residential and nonresidential buildings and premises. [Amended 8-13-1997 by Ord. No. 97-052]

FIRE HAZARD:

- A. Any device or condition likely to cause fire and which is so situated as to endanger either persons or property.
- B. Any use of combustible or explosive material or any accumulation or storage thereof that is sufficient in amount or so located as to put either persons or property in jeopardy if ignited.
- C. Any obstruction to or of fire escapes, ladders usable as means of egress, stairways, aisles, passageways, halls, windows or doors likely, in the event of a fire, to interfere with the egress of occupants or the operations of the Fire Department.
- D. The violation of any rule now or hereafter promulgated by the Fire Department.

FLOOR AREA, NET — The total floor area within the enclosing walls of a room minus the space occupied by built-in cabinets, closets or wardrobes, kitchen units or fixtures which are not readily movable and minus any floor space where the floor-to-ceiling height is less than seven feet.

FURNISHED APARTMENT — More than one room furnished, with or without a cook stove, and rented to transients or permanent guests.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUEST ROOM — A room which is occupied, or is intended, arranged or designed to be occupied, for sleeping purposes by one or more guests. This definition includes rooms hired out, furnished or unfurnished, and also includes any room arranged for or used for sleeping purposes by an employee as a condition of employment or for an accommodation on a contractual basis. This definition does not include sleeping rooms used by the owner or his or her immediate family.

HABITABLE ROOM — A room or enclosed floor space in a basement, first or upper story used or designed for use for living, eating or sleeping purposes; but does not include bathrooms, toilet rooms, laundries, closets, pantries, foyers, corridors, cellars, heater rooms, boiler rooms, utility rooms or any room whose net floor area is less than 50 square feet.

HOTEL — As defined in the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A).
[Amended 6-14-1995 by Ord. No. 95-050]

HOUSE — As used in all articles of this chapter, a private dwelling, apartment house or other places of human habitation, and, as used in Article XIX, it also means office building, store or any building whatsoever or any lot used for business purposes.

HOUSING INSPECTOR — See definition of “field representative.”

IMMEDIATE FAMILY — A family unit which consists of the family head, spouse, child or children and father and mother of either or both spouses. These terms are synonymous with the terms “single family,” “family” and “family unit.”

INCIDENTAL COOKING — The use of cooking facilities which contain no more than two approved plates or two vented gas burners not exceeding six inches in diameter.

INFESTATION — The presence of insects, rodents, vermin or other pests within or around any building.

KITCHEN — Any room or part of a room used for the preparation or cooking of food.³

MANAGER — Any person who has charge, care or control of any building or premises or a part thereof in which any part is rented or for rent with or without the knowledge and consent of the owner.

MIXED USE — Any building containing one or more dwelling units or rooming units and also having a portion thereof used for nonresidential purposes.

MOTEL — As defined in the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-3).
[Amended 6-14-1995 by Ord. No. 95-050]

MULTIPLE DWELLING — Any dwelling containing more than two dwelling units.

NONRESIDENTIAL — Any property and premises or portions thereof, as, for example, business, industrial or storage buildings, which are used for purposes other than dwellings for the habitation of humans.

NUISANCE:

- A. Any public nuisance shown as public law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the City of Jersey City, including this chapter.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children located in a building, on the premises of a building or upon an unoccupied lot, including but not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors or others.
- C. Physical conditions dangerous to human life or detrimental to the health of persons who are on or near the premises where the conditions exist.
- D. Overcrowding of a room or dwelling unit with occupants in violation of this chapter.
- E. Insufficient ventilation or illumination in violation of this chapter.
- F. Inadequate or insanitary sewage or plumbing facilities in violation of this chapter.
- G. Insanitary conditions or anything offensive to the senses or dangerous to health in violation of this chapter.
- H. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- I. Fire hazards.

³ Editor's Note: The definition of "lodging house," which immediately followed this definition, was deleted 6-14-1995 by Ord. No. 95-050.

OCCUPANT — Any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit, or any person who works on the premises for any business located thereon.

OCCUPIABLE ROOM — A room or enclosed space designed for human occupancy in which large numbers of individuals congregate for amusement, educational, religious or similar purposes or in which occupants are engaged at labor; and which is equipped with exit, light and ventilation facilities specified in the applicable requirements of this chapter.

ONE-FAMILY DWELLING — Any dwelling containing only one dwelling unit or one dwelling unit and two rooming units with sufficient space and sleeping accommodations for only one person in each rooming unit and with or without incidental cooking facilities.

OWNER — Any person alone or jointly or severally with others:

- A. Who has legal or equitable title to any premises, with or without accompanying actual possession thereof;
- B. Who has equitable title and is either in actual possession or collects rents therefrom;
- C. Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging house; or any such person thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules and regulations adopted pursuant thereto to the same extent as if they were the persons holding the legal or equitable title; or
- D. Who is a lessee or assignee subletting or assigning any part or all of any dwelling, all of whom under this chapter shall have joint responsibility over the portion of the premises sublet or assigned.

PARTIES IN INTEREST — All individuals, associations and corporations who have interests of record in a building or lands and any who are in actual possession thereof.

PERSON REQUIRING SPECIAL CARE — Any person who does not suffer from such physical or mental incapacity as to be classified as a disabled person, but by reason of physical or mental limitations or advanced years does require a limited degree of care and attention to assure personal safety at all times.

PLUMBING — Includes all of the following supplied facilities and equipment: bathtubs, catch basins, drains, garbage disposal units, gas pipes, installed clothes-washing machines, installed dishwashers, installed gas clothes dryers, lavatories, showers, toilets, vents, waste pipes, water pipes and any other supplied plumbing fixtures, together with all connections to gas, sewer or water lines and water pipes, the lines or pipes themselves and lines utilized in conjunction with air-conditioning equipment.

PREMISES — A lot, plot or parcel of land, including any and all buildings and structures thereon.

PROVIDED or SUPPLIED — Furnished, supplied, paid or under the control of the owner or manager or his or her designee.

PUBLIC AUTHORITY — The Division of Construction Code Official or any officer who is in charge of any department, branch or agency of the city or of the County of Hudson or of the State of New Jersey responsible for the administration of building, fire, health or other regulations applicable to buildings in the city. [Amended 8-13-1997 by Ord. No. 97-052]

PUBLIC HALLWAY — A public corridor or space separately enclosed that provides common access to one or more exitways in any story of a building or to two or more residential units therein and is not within the exclusive control of one person or family.

PUBLIC OFFICER — The Director of the Division of Construction Code Official of the city or such other person as the Director may designate to act in his or her behalf. [Amended 8-13-1997 by Ord. No. 97-052]

REGISTERED MAIL — Mail registered with or certified by the public postal authority for transmission to the addressee.

REPAIR — To restore to a safe, sound and acceptable state of operation, serviceability or appearance, all of which under this chapter shall be made with such materials and in such a workmanlike manner that it can be expected that they will last approximately as long as would new products originally installed.

REPLACE — To remove an existing item or portion of a building or structure, including but not limited to the electrical, heating and plumbing systems thereof and the components of which it is constructed; and to build or install a new item of the same, equivalent or better quality than the existing item when new; and should ordinarily be made where the item is incapable of repair or where repair would be more costly.

ROOMING HOUSES — Every building kept, used, maintained, advertised as or held out to be a place where sleeping accommodations are supplied for pay to transients or permanent guests in which from two to 14 rooms, inclusive, are rented, furnished or unfurnished, with or without meals for the accommodations of such guests.

ROOMING UNIT — Any room or group of rooms forming a single habitable unit other than a dwelling unit and which is rented or available for rent for sleeping purposes, with or without cooking facilities.

RUBBISH — Combustible or noncombustible waste materials, except garbage, and the term shall include, but not be limited to, the residue from the burning of wood, coal, coke and other combustible material, bedding, boxes, cartons, crockery, dust, excelsior, glass, leather, tin cans, metals, mineral matter, paper rags, rubber, tree branches, wood trimming and yard clippings. (See also Chapter 287, Solid Waste.)

STORY — That portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story of a building shall extend from the upper surface of its topmost floor to the ceiling or roof above.

SUPPLIED — Paid for, furnished or provided by or under the control of the owner or manager.

TENEMENT HOUSE — As defined by state statute,⁴ means any house or building or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as the home or residence of three or more families, living independently of each other and doing their cooking upon the premises. This definition shall not apply to a detached dwelling house of not more than three stories that has central heating, is equipped for occupancy by three families living independently where the space is provided for at least one of such families and is not equipped with full cooking facilities; provided, however, that this exception shall not apply to any such dwelling house constructed or converted on or after September 1, 1959.

VENTILATION — The supply and removal of air to and from any space by natural or mechanical means.

VENTILATION, MECHANICAL — Ventilation by power-driven devices whose air-changing capacity is specified thereon.

VENTILATION, NATURAL — Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without power-driven devices.

WATER CLOSET — A toilet and its accessories.

WATER CLOSET COMPARTMENT — An enclosed space containing one or more toilets which also may contain one or more urinals and either one or more lavatories or one or more bathtubs, showers or combinations thereof.

WEATHERING — Deterioration, decay or damage caused by exposure to the elements.

ARTICLE II Applicability

§ 254-5. Scope.

Every residential and nonresidential building and the premises on which it is situated in the city that is used or intended to be used for dwelling purposes or for business, commercial or industrial occupancy shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the adoption of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained herein, except as provided in the next section of this article. Where there is mixed occupancy, the residential and nonresidential uses therein also shall be regulated by and subject to the provisions of this chapter.

⁴ Editor's Note: See N.J.S.A. 34:6-121.

§ 254-6. Conflicts with other laws; higher standard to prevail.

In any case where the provisions of this Property Maintenance Code impose a higher standard than set forth in any other applicable provisions of the Jersey City Code or ordinances to be incorporated into the Jersey City Code or under the laws of the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this Property Maintenance Code impose a lower standard than any other provisions of the Jersey City Code or ordinances to be incorporated into the Jersey City Code or of the laws of the State of New Jersey then the higher standard contained in any other provision or ordinance or law shall prevail.

§ 254-7. Issuance and renewal of other permits and licenses.

After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this Property Maintenance Code as well as with the provisions of the Jersey City Code or ordinance to be incorporated into the Jersey City Code under which licenses and permits are granted.

§ 254-8. Compliance required.

No license or permit or other certification of compliance with this chapter shall constitute a defense against any violation of any ordinance of the city which is applicable to any structure or premises, nor shall any provision herein relieve any owner, manager or occupant from complying with any other provision, nor any official of the city from enforcing any other provision.

§ 254-9. Duty to comply; permits.

- A. General responsibility. The provisions of this chapter establish minimum standards for the continued occupancy and use of residential and nonresidential buildings, dwelling units and rooming units and shall not abrogate the responsibility of any person to comply with the provisions of any other chapter of the Jersey City Code with respect to any items for administration or decision concerning building, electrical, fire, health, plumbing or zoning matters or any New Jersey licensing statute or other pertinent state laws applicable to the premises he or she owns, manages or occupies.
- B. Responsibility for securing permits before work commences. All repairs, alterations, additions or replacements of buildings, facilities or premises or any parts thereof that are required to bring such buildings, facilities or premises into compliance with this chapter shall not be started until appropriate municipal permits or state authorization for this work have been secured.

ARTICLE III
Administration

§ 254-10. Division of Construction Code Official.⁵ [Amended 8-13-1997 by Ord. No. 97-052]

To provide for the administration and enforcement of the provisions of this chapter, there is established in the Department of Housing, Economic Development and Commerce a Division of Construction Code Official, hereinafter referred to as the "Division." The Chief of the Division, hereinafter referred to as the "Chief," shall be the executive official in charge, and he or she shall carry out his or her duties under the direction of the chief administrative officer of the Department of Housing, Economic Development and Commerce. All inspections, regulations, enforcement and hearings on violations of the provisions of this chapter, unless expressly stated to the contrary as in the powers assigned to the Director of the Division of Construction Code Official, shall be under the direction and supervision of the Chief. He or she may appoint or designate other public officials or employees of the city to perform such duties as may be necessary for the enforcement of this chapter. This includes the functions of inspection and the holding of hearings.

§ 254-11. Duties of Director of the Division of Construction Code Official. [Amended 8-13-1997 by Ord. No. 97-052]

- A. The Director of the Division of Construction Code Official shall administer and enforce the provisions of this chapter pertaining to buildings alleged or determined to be unfit for human habitation, occupancy or use and Article IV and § 254-43.
- B. The chief administrative officer of the Division of Construction Code Official shall be the Director thereof. The Director shall perform the specific duties assigned to him or her in Articles XII and XIV of this chapter in addition to the general duties assigned to him or her in § 254-10 of this article.

§ 254-12. Uniform Construction Code Act enforcing agency.

- A. Whenever in this Property Maintenance Code the powers and duties of the Director of the Division of Construction Code Official are the same or similar to the powers and duties granted to the Uniform Construction Code enforcing agency (N.J.S.A. 52:27D-119 et seq.), then said enforcing agency shall exercise and perform those powers and duties.⁶ [Amended 8-13-1997 by Ord. No. 97-052]
- B. Whenever the powers and duties of said Director are in conflict with the powers and duties of said enforcing agency, the powers and duties of said enforcing agency shall be paramount and supersede those of the Director.
- C. The provisions of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the rules and regulations of the State Commissioner of Community Affairs shall

⁵ Editor's Note: See also Ch. 3, Administration of Government, § 3-75.

⁶ Editor's Note: See also Ch. 131, Construction Codes, Uniform.

supersede any provisions in this Property Maintenance Code which are in conflict or which pertain to the same subject matter contained in the State Act and/or state rules and regulations.

§ 254-13. General standards. [Amended 8-13-1997 by Ord. No. 97-052]

The provisions of this chapter shall constitute the standards to guide the Chief and the Director of the Division of Construction Code Official in determining which buildings, dwellings, dwelling units, rooming units or premises in the city are in dangerous or blighted condition or are unfit for human habitation, occupancy or use.

§ 254-14. Rules and regulations. [Amended 8-13-1997 by Ord. No. 97-052]

The Chief hereby is authorized and empowered to promulgate such written rules and regulations as he or she may deem necessary for the proper administration and enforcement of this chapter; provided, however, that such rules and regulations shall not be in conflict with any of the provisions of this chapter or applicable statutes, nor in any way alter, amend or supersede any of the provisions thereof. The Chief shall file a certified copy of rules and regulations which he or she may promulgate in his or her office, in the office of the City Clerk and in the office of the chief administrative officer of the Division of Construction Code Official.

§ 254-15. Effect of rules and regulations.

Such rules and regulations promulgated by the Chief pursuant to this article shall have the same force and effect as the provisions of this chapter and the penalty for violations of the provisions of this chapter, as hereinafter provided.

§ 254-16. Inspections.

A. When inspections are to be made.

- (1) All buildings and premises subject to this chapter shall be inspected from time to time by the enforcing officer of the city. Such inspections shall be made of residential premises between 8:00 a.m. and 8:00 p.m. and of nonresidential premises during the regular open hours of the business occupying the premises, unless one of the following conditions exists:
 - (a) The premises are not available during the foregoing hours for inspection.
 - (b) There is reason to believe that violations are occurring on the premises which can be apprehended and proven only by inspections during other than the prescribed hours or which require immediate inspection after being reported, such as failure to supply heat.
 - (c) There is reason to believe a violation exists of a character which is an immediate threat to health or safety.

- (2) At the time of such inspections and upon proper identification, all rooms in the building and all parts of the premises are to be made available and accessible for such inspections and the owner, manager or occupant shall be requested to provide all arrangements necessary to facilitate the same. If any owner, manager or occupant refuses entry to the enforcing officer, the Chief is hereby authorized to apply to a Judge of the Municipal Court for a search warrant as provided in Subsection B of this section.

B. Where entry by inspectors is refused.⁷

(1) Search warrant or access warrant.

- (a) In addition to the provisions of Subsection A of this section, the Chief shall, upon affidavit, apply to the Judge of the Municipal Court of the city for an administrative search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises, and if the Judge is satisfied as to the matter set forth in the affidavit, he or she shall authorize the issuance of an administrative search warrant permitting access to and inspection of the premises on which the nuisance or violation may exist.
- (b) In addition to the provisions of Subsections A(2) and B(1)(a) of this section, the Chief may, upon affidavit, apply to the Judge of the Municipal Court of the city for an administrative search warrant to conduct an area inspection, as that term is defined in § 254-4 of Article I, and the warrant shall be served by the Chief or his or her representative who shall be deemed to be law enforcement officers for this purpose.
- (c) A warrant for access may be issued by the Judge upon affidavit of the Chief establishing grounds therefor pursuant to § 254-79 of Article XIII.
- (d) The search warrant provisions of this chapter in no way shall abrogate the right of the enforcing officer to enter and inspect without a search warrant the exterior of all accessory structures and of all residential and nonresidential buildings and the surrounding grounds and all common interior areas of residential buildings and all public interior areas of nonresidential buildings.

(2) Penalties.

- (a) Where the Chief or his or her representative is refused entry or access or otherwise is impeded or prevented by the owner, occupant or manager from conducting an inspection of the premises when there is reason to believe a violation exists of an emergency character which is an immediate threat to health or safety, and therefor, immediate entry and action is required to protect the public health and welfare, such person shall be in violation of this chapter and subject to the penalties provided for in the general provisions of the Jersey City Code.⁸

⁷ Editor's Note: See also Ch. 242, Peace and Good Order, Art. IV, Obstruction of Entry.

⁸ Editor's Note: See Ch. 1, General Provisions, § 1-25.

- (b) Failure to permit entry under an administrative search warrant shall be a violation of this chapter which shall subject any person who refuses entry to the premises to the general penalty provisions of the Jersey City Code.
 - (c) In addition to the provision in Subsection B(2)(b) of this section, the Director of Housing Code Enforcement may deem any refusal to permit entry under an administrative search warrant to be prima facie evidence that the premises in question are unfit for human habitation, occupancy or use and subject to the condemnation proceedings specified in Article IV of this chapter.
- C. Petition for inspection. Whenever a petition is filed with the Chief by at least five residents of the city charging that any dwelling or dwelling unit is in violation of this chapter, the Chief forthwith shall cause the premises so charged to be inspected in the manner provided in this section of this article.

§ 254-17. Notices and hearings.

- A. Procedure where violation discovered. Except as provided in Subsection G of this section, where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the Chief shall be served on the person or persons responsible for the correction thereof.
- B. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time not to exceed 30 days to correct or abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Chief in 10 days after service unless a hearing is requested pursuant to Subsection D of this section.
- C. Service of notice. Notice may be served personally or by prepaid telegram or by mail with postage prepaid, addressed to the last known address of the person to be served. In the case of an occupant, notice may be posted upon the door of his or her dwelling unit or rooming unit. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Tax Collector. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Chief shall file and provide notice to any owner, manager or occupant of any violation at any address other than the last known address provided hereunder, if such other address is filed with the Chief personally or by certified mail addressed to the Chief. Service upon an owner, manager or occupant may also be attained by service of any notice upon a member of the family of the owner, manager or occupant. Date of service of the notice shall be determined, where service is by mail, as of the day following the day of mailing for notices to addresses within the city, and as of the third day after the day of mailing for notices to addresses outside the city. Where the day of service would fall upon a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day.
- D. Notice to become an order unless hearing requested.

- (1) Within 10 days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon and serves a written request within the ten-day period in person or by mail on the Chief.
 - (2) Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Chief, upon receipt of the request, shall within 30 days therefrom and upon five days' notice to the party aggrieved set the matter down for hearing.
- E. Determination at hearing. At any hearing provided hereunder, the Chief shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena, to require by subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by him or her and to enforce any such subpoena or secure any order for the enforcement of any such subpoena as provided by law. Determination shall be made within 10 days from the completion of the hearing. The Chief shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.
- F. Extensions of time. The Chief may extend the time for correction or abatement of the violation for one or more additional periods of time each not to exceed 30 days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for additional periods each not to exceed 90 days beyond the expiration date of the original notice.
- G. Summary abatement in emergency; notice and hearing not required. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Director of the Division of Construction Code Official with the approval of the Director of the Department of Housing, Economic Development and Commerce either may abate the violation or condition immediately or order the owner, manager or occupant to correct the violation or condition within a period of time not to exceed three days, and upon failure to do so, the Director of the Division of Construction Code Official may abate the condition immediately thereafter. **[Amended 8-13-1997 by Ord. No. 97-052]**
- H. Cost of abatement to be a lien against premises.
- (1) Where abatement of any nuisance as defined herein, correction of a defect in the premises or the maintenance of the premises in a proper condition so as to conform to this chapter or other provisions of the Jersey City Code or any ordinance or state law applicable thereto requires expending city moneys therefor, the officer of the city by whom or under whose direction the hazards were removed shall certify the costs thereof to the Municipal Council.
 - (2) The Municipal Council shall examine the certificate and, if found correct, by resolution shall cause the cost as shown thereon to be charged against said lands.
 - (3) The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon

such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same city officers and in the same manner as city taxes.

- (4) A copy of the certificate and resolution shall be sent by certified mail to the owner.
- I. Referral of violations. Any violation of any relevant provision of the Code other than this chapter discovered by a field representative shall be reported to the Chief who shall refer the alleged violation to the official or agency responsible for the enforcement of such other ordinance.
- J. Extension of time where dispossession action undertaken. Where there exists a violation of occupancy standards hereunder, an owner or manager, upon receipt of a notice of violation, if unable to eliminate the violation by peaceable means within the period of time specified in said notice, shall commence within such period legal action to dispossess, evict or eject the occupants who cause the violation. No further action hereunder shall then be taken against the owner or manager so long as the action aforesaid is pending in the court and is prosecuted expeditiously and in good faith.
- K. Where notice and hearing are not required prior to court proceedings.
- (1) Notwithstanding the requirements of Subsections A, B and C of this section, violations of the following provisions of this chapter may be prosecuted without notice by the filing of a complaint by the Chief in the Municipal Court: §§ 254-16B(2), 254-27A(1), (3) and (7)(c), 254-28E and F, 254-44A, 254-45B(37), 254-70 and 254-72.
- (2) Where the Chief has on two different occasions found violations by the same owner, manager or occupant on the same premises and has issued notices on each and has held at least one hearing and issued an order thereon, upon discovering a third or subsequent violation by the same owner, manager or occupant on the same premises within the space of one year, whether of the same sections or of any other sections of this chapter, he or she may thereupon prosecute the offender by filing a complaint in the Municipal Court for said third or subsequent violation occurring within said period of one year without first providing notice and opportunity for a hearing by the Chief.
- L. Effect of notice on owner. For the purpose of enforcement of this chapter, the service of a notice on an owner, whether or not the owner is also the manager, shall constitute notice of violations set forth therein until the violations are abated in conformity with this chapter and the other applicable provisions of the Jersey City Code.

§ 254-18. Appeals.

Appeals from any decision of any officials regarding the manner of construction or materials to be used in the erection, alteration, rehabilitation or repair pertaining to this chapter shall be made to the Board of Appeals of the basic codes of the city in accordance with Chapter 1, General Provisions, of the Jersey City Code.

§ 254-19. Landlord to furnish list of violations to tenant. [Added 2-5-1980 by Ord. No. S-342]

- A. Whenever a landlord receives a notice from the state agency of the city listing the violations which must be corrected, said landlord shall, within 10 days of the receipt of said notice, serve upon each tenant a copy of said notice. In such case, the landlord shall file with the Division of Construction Code Official proof of service of a copy of each said notice upon each tenant within 15 days of the receipt of said notice. Failure to serve a copy of said notice upon each tenant or failure to file a proof of service of said notice upon each tenant with the Division of Construction Code Official shall constitute a violation of this chapter and shall be punishable as such. [Amended 8-13-1997 by Ord. No. 97-052]
- B. As soon as the landlord shall have abated any of the violations listed on any such notice, then the landlord shall obtain a statement of such abatement from the office which issued the notice of violations and shall furnish to each tenant a copy of said statement of abatement.

**ARTICLE IV
Unfit Buildings**

§ 254-20. Inspection; notice; hearings.

- A. The Chief on his or her own or upon the filing of a petition by a public authority or by at least five residents of the city shall make an inspection of any building believed to be unfit for human habitation, occupancy or use; and if his or her preliminary investigation discloses a basis for such charges, the Director of the Division of Construction Code Official thereupon shall serve upon the owner of and parties in interest in such a building a notice stating the charges in that respect and setting a date for a hearing before the Director of the Division of Construction Code Official not less than seven nor more than 30 days from the date of service of said notice. The owner and parties in interest shall be given the right to file an answer to the notice and to appear in person or otherwise and give testimony at the time and place fixed in the notice. The rules of evidence prevailing in the courts shall not be controlling in hearings before the Director of the Division of Construction Code Official. [Amended 8-13-1997 by Ord. No. 97-052]
- B. The Construction Official shall determine within 90 days after notice to the owner whether a building should be condemned and the owner directed to either repair or demolish the building. [Added 4-22-1992 by Ord. No. 92-044]
- C. The Construction Official shall provide the Mayor and Council with quarterly reports on the status of all buildings reported to his or her division as abandoned or unfit for human occupancy. Such report shall indicate the Construction Official's decision as to each such building.⁹ [Added 4-22-1992 by Ord. No. 92-044]

⁹ Editor's Note: Former Secs. 13-18 through 13-24, which followed this section and authorized the Director of Property Conservation to demolish unsafe structures, were deleted 4-28-1993 by Ord. No. 93-038. This responsibility has now been assigned to the Construction Official under Ch. 105, Buildings, Demolition of.

§ 254-21. Vacant or boarded structures. [Added 9-8-1988 by Ord. No. C-807]

- A. Any residential or commercial building or structure in the City of Jersey City remaining vacant or boarded for a period exceeding six months shall be deemed a fire hazard and unsafe.
- B. If any residential or commercial building or structure remains vacant or boarded for more than six months, the Construction Official shall serve upon the owner, agent or person

(Cont'd on page 25421)

in control of the building or structure a written notice describing the building or structure and requiring the owner, agent or person in control of the building or the structure to abate this condition by taking one (1) of the following corrective measures within six (6) months of the date of written notification.

- (1) Actual and legal occupancy of the building or structure, which occupancy shall be made only after obtaining a certificate of occupancy.
 - (2) Submission of a fully executed and binding contract of sale for the property, which contract shall contain a clause advising the prospective purchaser that occupancy must be achieved within six (6) months of the service of the written notice specified above.
 - (3) Demolition of the building or structure, upon obtaining the necessary demolition permit(s).
 - (4) Any other action required or necessary to render the building or structure safe and in a habitable condition.
- C. Where a building or structure has been abandoned for a period exceeding six (6) months and ownership cannot be determined, the city shall institute appropriate legal action to acquire title to the building or structure pursuant to the police powers vested in the City of Jersey City and upon acquisition, the building or structure shall be maintained by the city in a condition compatible with the surrounding neighborhood until such time as said property is disposed of at public auction or as otherwise permitted by law.

ARTICLE V

Electrical, Light and Ventilation Standards

§ 254-22. Compliance required.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein or any nonresidential building or any part thereof for any business, commercial, governmental, industrial, institutional or other human use which does not comply with the following requirements.

§ 254-23. Electrical facilities.

A. Residential.

- (1) Electrical service generally. Every dwelling, dwelling unit and rooming unit shall be properly connected to and be provided with electric power through safely insulated conduits conforming to Chapter 131, Uniform Construction Codes.¹⁵
- (2) Circuits. Overloading of circuits is prohibited. Where such violation exists, the owner shall be required either to install a line or lines of sufficient capacity to absorb the peak seasonal load to which such line or lines are subjected or to install a fusestat or fusestats that will limit the use of such existing line or lines to the properly rated capacity.

¹⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (3) Fuses and protective devices. Maximum fuse sizes consistent with safety shall be posted conspicuously on the inside cover of all fuse boxes and no fuse shall be installed there in excess of the stated maximum. Fusestats shall be installed in any fuse box located within a dwelling unit or rooming unit in the exclusive possession of occupants other than the owner.
- (4) Outlets and fixtures. Every electrical outlet and fixture shall be properly installed and maintained in good safe condition so as not to cause a fire or electrical shock hazard and shall be properly connected to the source of power. No ceiling or wall fixtures shall be used to supply power to equipment other than that for which these are designed.
- (5) Wiring. Insulation shall be provided for all wiring and cables and shall be kept in good repair. No loose or temporary wiring shall be used except extension cords six (6) feet in length or less that are in good and safe condition, run directly from portable fixtures or appliances to convenience outlets, and do not lie under rugs or other floor coverings nor extend through doorways, transoms, holes or other openings through structural elements.
- (6) Electrical outlets in habitable rooms. There shall be at least two (2) permanently installed remote wall-type double-electric convenience outlets in every habitable room. In lieu of this, each room must contain at least one (1) permanently installed wall-type double-electric convenience outlet and one (1) overhead light fixture.
- (7) Light fixtures for bathrooms and water closet compartments. Every bathroom and water closet compartment shall be provided with at least one (1) permanently installed ceiling or wall-type electric light fixture and a switch and wall plate so located that there is no danger of short-circuiting from water from other bathroom or water closet facilities or from splashing of water.

B. Nonresidential.

- (1) Electrical service generally. Electrical power through safely insulated conduits conforming to Chapter 131, Uniform Construction Codes, shall be supplied to nonresidential buildings regularly utilized for business, commercial, governmental, industrial or institutional work and activities and to garages designed for use by four (4) or more vehicles.¹⁶
- (2) Lighting of bathrooms and water closet compartments. Every bathroom and water closet compartment shall be provided with permanently installed, artificial ceiling or wall-type electric lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short-circuiting from water from other bathroom facilities or from splashing of water.
- (3) Lighting of common spaces other than habitable rooms, bathrooms and water closet compartments.
 - (a) All nonresidential buildings, including the garages required to have electric service under Subsection B(1) of this section, also shall be provided with

¹⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

permanently installed, artificial lighting fixtures. All such fixtures shall be operable from a switch located near the point of ingress to the interior of the space lighted. All portions of the premises which are utilized regularly for work and activities shall be illuminated by at least five (5) footcandles, that is five (5) lumens or one (1) watt per square foot of floor area measured in the darkest portions thereof. All portions of the premises other than common means of passage that are used occasionally and incidentally by occupants of the premises shall be illuminated by at least three (3) footcandles; that is, three (3) lumens or one-half ($\frac{1}{2}$) watt per square foot of floor area measured in the darkest portions thereof.

- (b) Lighting of hallways, stairways, landings and other spaces used by occupants in common as a normal means of passage shall be sufficient to provide at least five (5) footcandles; that is, five (5) lumens or one (1) watt per square foot of floor area measured in the darkest portion. Light switches for stairs and hallways shall be readily accessible to occupants using the same except where janitorial service is provided and the artificial lighting for hallways and common areaways is supplied from a master control switch.
- (4) Overloading of circuits is prohibited. Where such a violation exists, the owner shall be required either to install a line or lines of sufficient capacity to absorb the peak seasonal load to which such line or lines are subjected or to install a fusestat or fusestats that will limit the use of such existing line or lines to their proper, rated capacity.
- (5) Fuses and protective devices. Maximum fuse sizes consistent with safety shall be posted conspicuously on the inside cover of all fuse boxes and no fuse shall be installed therein in excess of the stated maximum. Fusestats shall be installed in any fuse box located in any part of the premises which is in the exclusive possession of occupants other than the owner.
- (6) Outlets and fixtures. Every electrical outlet and fixture shall be properly installed and maintained in good and safe condition so as not to cause a fire or electrical shock hazard and shall be properly connected to the source of power. No ceiling or wall fixture shall be used to supply power to equipment other than that for which these are designed.
- (7) Wiring. Insulation shall be provided for all wiring and cables and shall be kept in good repair. No loose or temporary wiring shall be used except extension cords six (6) feet in length or less that are in good and safe condition, run directly from portable fixtures or appliances to convenience outlets, and do not lie under rugs or other floor coverings, nor extend through doorways, transoms, holes or other openings through structural elements.

§ 254-24. Lighting and ventilation.

A. Residential.

- (1) Habitable rooms.

- (a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors except as provided hereinafter. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area or twelve (12) square feet, if the latter area is greater. Whenever the only window in a room is the skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.
 - (b) Whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room such a window shall not be deemed to face directly outdoors and shall be included in calculating the required minimum window area.
 - (c) Every habitable room shall have at least one (1) window or skylight which can be opened easily or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least fifty percent (50%) of the minimum window area size, as hereinabove provided, except where there is supplied some other approved device affording adequate ventilation.
 - (d) In any row house constructed prior to 1951 and not used for boardinghouse or lodging house purposes, any interior room not having its own source of natural light and ventilation may be used for living purposes if it contains equivalent artificial means of light [six (6) footcandles per square foot over the area of the room measured thirty (30) inches above floor level at the center of the room] and a mechanical means of ventilation, whose capacity is marked clearly thereon, that provides two (2) air changes per hour or one-half ($\frac{1}{2}$) of a cubic foot per minute per square foot for each habitable room other than a kitchen and three (3) air changes per hour, or one and one-half ($1\frac{1}{2}$) cubic feet per minute per square foot for a kitchen.
- (2) Bathrooms and water closet compartments. Every bathroom and water closet compartment shall comply with lighting and ventilation requirements for habitable rooms contained in Subsection A(1) of this section, except that the total window area or skylight area shall be four (4) square feet, not twelve (12) square feet, if this figure is greater than the specified percentage of the total floor area, and with the further exception that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system providing at least six (6) air changes per hour or one and one-half ($1\frac{1}{2}$) cubic feet per minute per square foot, whose capacity is marked clearly thereon, and which is operated either continuously or automatically when the room is in use.
 - (3) Common spaces other than habitable rooms, bathrooms and water closet compartments.
 - (a) Every portion of each cellar, furnace room, utility room, hall, landing, staircase and all similar nonhabitable space in a dwelling shall have artificial light available at all times that shall be sufficient to provide an illumination of at least

five (5) footcandles; that is, five (5) lumens or one (1) watt per square foot of floor area measured in the darkest portion thereof.

- (b) Every portion of any interior or exterior passageway or staircase common to three (3) or more families in a dwelling shall be illuminated at all times with light of at least five (5) footcandles; that is five (5) lumens or one (1) watt per square foot of floor area measured in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two (2) dwelling units, such illumination shall not be required at all times if separate switches for the control of such light are provided at points convenient and readily accessible to each dwelling unit.

(4) Public passageways.

- (a) Every public hall, stairway and passageway in every multiple dwelling, boardinghouse and lodging house shall be ventilated adequately by the natural means specified below or by a ventilating system providing at least one (1) air change per hour [one-fourth ($\frac{1}{4}$) cubic foot per minute per square foot] and whose capacity is marked clearly thereon.

- (b) Any of the specified building types meeting the pertinent standard or standards listed below shall be considered ventilated adequately by natural means:

- [1] A building three (3) stories or thirty (30) feet in height or less with front entrance door not less than thirty (30) inches in width and six (6) feet eight (8) inches in height.

- [2] A building over three (3) stories or thirty (30) feet in height with hall, stairway and/or passageway window or windows whose total area is equal at least to ten percent (10%) of the total floor area of said hall, stairway and/or passageway.

- [3] A building six (6) stories in height or less served by a skylight with a minimum openable area of forty (40) square inches.

- (5) Utility spaces. Utility spaces which contain heat producing, air-conditioning and other operating mechanical equipment shall be ventilated to the outer air and air from such spaces shall not be recirculated to other parts of the building.

- (6) Special spaces. Natural ventilation of spaces such as attics, basements, cellars and enclosed basementless spaces shall be provided by opening of sufficient space to overcome dampness and minimize the effect of conditions conducive to decay and deterioration of the structure and to prevent excessive heat in attics.

B. Nonresidential.

(1) Occupiable rooms.

- (a) Every occupiable room shall contain light transmitting media opening to the sky or on a public street, yard or court that are adequate to provide an average illumination of six (6) footcandles over the area of the room measured at a height of thirty (30) inches above floor level in the center of the room, or an alternate

artificial method or device that will provide the equivalent minimum amount of light.

- (b) Every occupiable room shall contain ventilating skylights, monitors, louvers, windows, transoms, doors or other natural means of ventilation capable of providing a volume of four (4) air changes per hour [one and one-half (1½) cubic feet per minute per square foot] if the room contains less than one thousand (1,000) cubic feet per individual, (2) air changes per hour [one-half (1½) cubic feet per minute per square foot] if the room contains one thousand (1,000) cubic feet or more per individual or an alternate mechanical ventilating device, whose capacity is marked clearly thereon, that will provide the equivalent minimum amount of air.
- (2) Public passageways. Hallways shall have at least one (1) window opening directly on a street or on a required court or yard in each story, located so that light penetrates the full length of the hallway, with additional windows for each change of direction of the hallway; or the equivalent artificial lighting shall be provided.
- (3) Utility spaces. Utility spaces which contain heat producing, air-conditioning and other operating mechanical equipment shall be ventilated to the outer air and air from such spaces shall not be recirculated to other parts of the building.
- (4) Special spaces. Natural ventilation of spaces such as basements, cellars, loft areas and enclosed basementless spaces shall be provided by openings of sufficient size to overcome dampness and minimize the effect of conditions conducive to decay and deterioration of the structure and to prevent excessive heat in lofts.

ARTICLE VI

Minimum Standards for Basic Equipment and Facilities

§ 254-25. Compliance required.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein or any nonresidential building or any part thereof for any business, commercial, governmental, industrial, institutional or other human use which does not comply with the following requirements.

§ 254-26. Residential bathroom, kitchen and cooking facilities.

A. Dwelling units.

- (1) Every dwelling unit shall have a bathroom within it which affords privacy to a person inside said room; contains a bathtub or shower, wash basin and flush water closet and complies with such other requirements as are set forth elsewhere in this Code unless the dwelling unit existed prior to February 24, 1960. Any dwelling unit in existence before that date may have the bathtub or shower in one (1) room and the flush water closet and wash basin in another; so long as both rooms are located within the dwelling unit, afford privacy to any person within either room and comply with all

other requirements set forth elsewhere in this chapter. Where there are more than eight (8) occupants in a dwelling unit, said unit shall have two (2) bathrooms.

- (2) Every dwelling unit shall be equipped with private kitchen fixtures located in one (1) room which shall include a supplied kitchen sink and a gas or electric kitchen stove that shall be supplied by the owner or the tenant dependent upon the rental agreement, and the room or part of a room in which said fixtures are located shall comply with such other requirements as are set forth elsewhere in this chapter.
 - (3) In the event that the tenant provides the gas stove or the electric stove, he or she shall be responsible for having it installed properly and maintained in a safe, sanitary and operable condition.
 - (4) Every kitchen stove in every dwelling unit shall include at least two (2) top burners and an oven, shall be in good order and repair and shall be properly connected to the appropriate utility system.
 - (5) Every bathtub, shower, flush water closet, kitchen sink and wash basin in every dwelling unit shall be in good working condition and repair and properly connected to a water and sewer system.
 - (6) Every bathtub, shower, kitchen sink and washbasin in every dwelling unit shall be properly connected with both hot and cold water lines.
- B. Minimum sanitary facilities for all cooking. No cooking, including incidental cooking, shall be permitted in any dwelling unit or rooming unit, except as provided in Subsection A(3) of this section, unless it contains the following minimum sanitary equipment and facilities:
- (1) A kitchen sink of nonabsorbent impervious material and a drainboard of appropriate materials.
 - (2) A tenant-supplied waterproof, washable container, including a tight-fitting cover of metal or other approved material, for the temporary storage and disposal of garbage.
 - (3) A refrigerator for the storage of food containing at least five (5) cubic feet of storage space shall be supplied by the owner or tenant depending upon the rental agreement, and shall be maintained in good working condition and repair and in a clean state. If the tenant supplies the refrigerator, he or she shall be responsible for maintaining it in good working condition and repair. The tenant shall be responsible for maintaining the refrigerator in a clean state whether it is supplied by him or her or by the owner.
- C. Community cooking facilities. Cooking facilities serving more than one (1) dwelling unit or one (1) rooming unit, in which incidental cooking is permitted, or any combination thereof shall not be permitted, except nothing herein shall be construed to prohibit the operation of establishments subject to licensing.

§ 254-27. Heating facilities; duty to supply heat.

A. Residential.

- (1) [Amended 9-25-1986 by Ord. No. C-303] Supplied heating facilities.

- (a) Every dwelling unit shall contain supplied heating facilities which are installed properly, are maintained in safe and good working condition and are capable of maintaining a minimum inside temperature of seventy degrees Fahrenheit (70° F.) in all habitable rooms, bathrooms and water closet compartments when the outside temperature is at or above zero degrees Fahrenheit (0° F.). The temperature shall be read at a height of thirty (30) inches above floor level at the center of the room.
- (b) Every dwelling unit in every building not now centrally heated shall contain heating facilities which are properly installed, are maintained in safe and good working condition and are capable of maintaining a minimum inside temperature of seventy degrees Fahrenheit (70° F.) in all habitable rooms, bathrooms and water closet compartments when the outside temperature is at or above zero degrees Fahrenheit (0° F.). These facilities may be supplied by the owner or the tenant based on the rental agreement.
- (c) Heating facilities shall be inspected at least once each year between October 1 and December 1. Such inspection shall be by a licensed plumber, licensed heating contractor or an employee of a gas utility company certified as qualified to make such inspections. Each inspection shall include such tests and visual inspections as are necessary to determine whether there is any gas leak at the premises, whether there is any defective equipment and whether there are unsafe conditions or unsafe equipment present. **[Amended 10-23-1986 by Ord. No. C-322]**
- (d) The person, firm or corporation making the inspection and the owner or a person in charge of the premises shall each keep a copy of the inspection record until the next annual inspection. The owner or person in charge of the premises shall exhibit a copy of the inspection report to any city inspector on demand.
- (e) If any unsafe conditions or unsafe equipment are found, the inspector shall apply a red tag in a clearly visible location at or near the heater, furnace or thermostat, stating substantially as follows:

WARNING: This equipment is unsafe to use. Do not attempt to light or turn on this equipment until complete repairs have been made and this warning tag has been removed by an authorized inspector. For information telephone (telephone number to be supplied.)

- (2) Where central heating required. Decentralized heating systems now in use may be continued in use in accordance with Subsection A(1)(a) and (b) above, provided that the above mentioned decentralized heating systems conform with all other applicable codes and standards.¹⁷
- (3) Facilities required in lieu of central heating. All dwelling units and rooming units not having central heating shall be permitted to be heated (in the interim) by supplied space heaters.

¹⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (4) **[Amended 9-22-1983 by Ord. No. MC-459]** Every space heater shall comply with all of the following requirements:
- (a) Every space heater burning gaseous, liquid or solid fuels shall be permanently installed.
 - (b) Every space heater burning gaseous, liquid or solid fuels shall be properly vented to a chimney, duct or flue leading to outdoor space.
 - (c) Every space heater shall have a permanently affixed, fire resistant panel beneath it.
 - (d) Every space heater located within two (2) feet of a wall shall be equipped with insulation sufficient to prevent overheating of the wall.
 - (e) Every space heater smoke pipe shall be equipped with guards, properly constructed of nonflammable material, at any point where the pipe goes through a ceiling, partition or wall.
 - (f) Every space heater shall comply with all the requirements of Chapter 131, Uniform Construction Codes, and electrical space heaters must meet the standards set by the Middle Department Association of Fire Underwriters.¹⁸
 - (g) The use of any unvented space heater burning gaseous, liquid or solid fuels is prohibited.
 - (h) Any merchant selling unvented space heaters burning gaseous, liquid or solid fuels must display a sign, within three (3) feet of the space heater display and in full view of customers, bearing the words "Warning: the City of Jersey City Fire Prevention Bureau warns that the use of unvented space heaters burning gaseous, liquid or solid fuels is hazardous, and the use of these heaters is banned according to § 254-27A(4) of the Jersey City Code." The letters used on this sign must be no smaller than two (2) inches in height and one (1) inch in width.
- (5) The use of portable heating equipment employing flame and solid, liquid or gaseous fuels is prohibited.
- (6) The use of portable electric space heaters in bathrooms or water closet compartments is prohibited.
- (7) When the owner or manager is required to supply heat.
- (a) From October 1 to May 1, every dwelling unit, room unit, bathroom and water closet compartment shall be supplied with sufficient heat to maintain therein a minimum temperature of seventy degrees Fahrenheit (70° F.) between the hours of 6:00 a.m. and 11:00 p.m. and sixty-five degrees Fahrenheit (65° F.) between the hours of 11:00 p.m. and 6:00 a.m. **[Amended 8-18-1988 by Ord. No. C-788]**
 - (b) From May 1 to October 1, every dwelling unit, rooming unit, bathroom and water closet compartment shall be supplied with sufficient heat to maintain

¹⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

therein a minimum temperature of seventy degrees Fahrenheit (70° F.) between the hours of 6:00 a.m. and 11:00 p.m. whenever the outside temperature falls below fifty-five degrees Fahrenheit (55° F.) during those hours.

- (c) Whenever a dwelling is heated by means of a furnace, boiler or other apparatus under the control of the owner or manager of the dwelling, such owner or manager, in the absence of a written contract to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with the provisions of Subsection A(1) through (7) of this section to every dwelling unit and rooming unit which contains radiators, furnace heat duct outlets or other heating apparatus outlets.

B. Nonresidential.

- (1) Supplied heating facilities. Every business, commercial, governmental, industrial and institutional building shall contain supplied heating facilities which are properly installed, are maintained in safe and good working condition and are capable of maintaining a minimum inside temperature of seventy degrees Fahrenheit (70° F.) in all occupiable rooms, bathrooms and water closet compartments when the outside temperature is at or above zero degrees Fahrenheit (0° F.). The temperature shall be read at a height of thirty (30) inches above the floor level at the center of the room. Occupiable rooms located in buildings where it is not feasible to heat them to a temperature of seventy degrees Fahrenheit (70° F.), because of the nature of the business, are exempted from this requirement.
 - (2) Portable heating equipment prohibition. The use of portable heating equipment employing flame and solid, liquid or gaseous fuel is prohibited.
 - (3) When the owner or manager is required to supply heat.
 - (a) From October 1 to May 1, every occupiable room, bathroom and water closet compartment shall be supplied with sufficient heat to maintain therein a minimum temperature of seventy degrees Fahrenheit (70° F.) during whatever hours of each day the building is open for use.
 - (b) From May 1 to October 1, every occupiable room, bathroom and water closet compartment shall be supplied with sufficient heat to maintain therein a minimum temperature of seventy degrees Fahrenheit (70° F.) whenever the outside temperature falls below fifty-five degrees Fahrenheit (55° F.) between the hours of 6:00 a.m. and 11:00 p.m.
 - (c) Whenever a nonresidential building is heated by means of a furnace, boiler or other apparatus under the control of the owner or operator of the building, such owner or operator, in the absence of a written contract to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with the provisions of Subsection B(1) through (3) of this section to every occupiable room, bathroom and water closet compartment which contains radiators, furnace heat duct outlets or other heating apparatus outlets.
- C. In enforcing this section the Municipal Judges shall utilize the form of summons issued by the administrative office of the court. The summons may be served upon any persons,

corporations, business firms and/or partnerships violating this section by inspectors or properly authorized employees of the Division of Construction Code Official. The Judges are further authorized by rule to provide that violators may sign or execute on the back of the summons a written plea of "guilty" and the submission of a fine for offenses of this section. The fine for any offense of this section shall be as provided in Chapter 1, General Provisions, § 1-25. [Amended 10-28-1980 by Ord. No. S-510; 6-14-1995 by Ord. No. 95-050; 8-13-1997 by Ord. No. 97-052]

§ 254-28. Residential plumbing facilities and water supply.

- A. Bathroom facilities. Every bathroom required hereunder shall be provided with a flush water closet connected to the cold water line, and a shower or tub and a wash basin connected to running water, as set forth in Subsections C and E of this section.
- B. Connection to sanitary sewer. All plumbing fixtures shall be connected to the sanitary sewer through lines which are free of corrosion, deterioration or leaks and provide unobstructed passage from the plumbing facilities within the dwelling to the sanitary sewer.
- C. Hot and cold water. Every kitchen sink, bathroom sink and basin, tub or shower required under this chapter shall be connected to both hot and cold water lines.
- D. Maintenance of plumbing facilities. Every facility required under Subsection A of this section shall be maintained in a sanitary condition, free of defect and in operating condition at all times. Where said facility or plumbing fixtures shall be clogged, overflow or otherwise necessitate repairs, such repairs shall be performed forthwith.
- E. Supply of city water. Every facility using running water for domestic purposes within any building shall be connected to the public water supply system of the city. The water system shall be maintained in a good and operable condition at all times so that an adequate amount of water (not less than one gallon per minute) can be drawn from every installed hot and cold water faucet.
- F. Water heating facility.
 - (1) Installation; maintenance and capacity; hot water must be furnished.
 - (a) There shall be supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under Subsection C of this section and are capable of supplying water at a minimum temperature of 150° F. at all times to each hot water outlet.
 - (b) Every person, firm or corporation who shall have contracted, undertaken or shall be bound to furnish hot water to occupants of rooming houses or residences occupied by two or more families shall furnish to such occupants or tenants, at all times, 24 hours a day, seven days a week, an adequate supply of running hot water to a minimum temperature of 150° F. [Amended 9-9-1980 by Ord. No. S-461; 10-28-1980 by Ord. No. S-502]

- (c) Wherever a rooming house or residence is supplied with hot water from a plant or system operated under the control of the owner, lessor or agent of such rooming house or residence, in the absence of a written contract or agreement to the contrary, such owner, lessor or agent shall be deemed to have contracted, undertaken or bound himself to furnish hot water in accordance with the provisions of this article; and the presence of such a hot water plant or system, in any such rooming house or residence shall be prima facie evidence of such contract or agreement.
- (2) Side arm gas water heaters. On or before January 1, 1968, no new or used side arm gas water heaters shall be installed. No side arm gas heaters shall be permitted after January 1, 1975.
- G. In enforcing this section the Municipal Judges shall utilize the form of summons issued by the administrative office of the court. The summons may be served upon any persons, corporations, business firms and/or partnerships violating this section by inspectors or properly authorized employees of the Division of Construction Code Official. The Judges are further authorized by rule to provide that violators may sign or execute on the back of the summons a written plea of "guilty" and the submission of a fine for offenses of this section. The fine for any offense of this section shall be as provided in Chapter 1, General Provisions, § 1-25. [Amended 10-28-1980 by Ord. No. S-510; 6-14-1995 by Ord. No. 95-050; 8-13-1997 by Ord. No. 97-052]

§ 254-29. Screens.

A. Residential.

- (1) Properly fitting screens in good repair shall be supplied for each exterior door and window of each dwelling unit or rooming unit. Such screens shall have a mesh of not less than size number 16. Window screens shall not be required in rooms on the seventh or higher floors in a building or in those rooms or buildings where room or central air conditioning is installed and operating. In establishments subject to licensing and in all buildings where janitor service is required, pursuant to this section, screens shall be installed and maintained by the owner or manager on all doors and windows from May 1 to October 1 of each year.
- (2) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement or cellar which might provide for entry of rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

- B. Nonresidential.** Properly fitting screens in good repair shall be supplied for each exterior door, opening and window of every eating and drinking establishment and of all other nonresidential retail and wholesale establishments where uncooked or cooked food is sold. Such screens shall have a mesh of not less than size number 16.

§ 254-30. Interior rubbish containers.

Every rooming unit shall be provided with a container of metal or other approved material for the temporary storage and disposal of rubbish.

§ 254-31. Exterior garbage containers.

- A. Approved receptacles. Only the receptacles shall be used for the exterior temporary storage of garbage, refuse and liquid waste substances as required by Chapter 287, Solid Waste.²¹
- B. Every dwelling unit and every rooming unit containing cooking facilities shall be provided with the aforesaid approved receptacles for the exterior temporary storage or garbage.
- C. In enforcing this section, the Municipal Judges shall utilize the form of summons issued by the administrative office of the courts. Said summonses may be served upon any persons, corporations, business firms and/or partnerships violating the section by members of the Police Department, by any inspectors of the Health Division and any inspectors or properly authorized employees of the Department of Public Works. The Judges are further authorized by rule to provide that violators may sign or execute on the back of the summons a written plea of "guilty" and the submission of a fine for the first offense; provided, however, that said amount shall be less than the maximum amount fixed by Chapter 1, General Provisions, § 1-25.²²

ARTICLE VII

Minimum Space, Use and Egress Requirements**§ 254-32. Occupancy standards; net floor area.**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein or any nonresidential building or any part thereof for any business, commercial, governmental, industrial, institutional or other human use which does not comply with the following requirements:

- A. Dwelling units. Every dwelling unit shall contain a minimum net floor area of one hundred fifty (150) square feet for the initial occupant thereof, two hundred fifty (250) square feet for two (2) occupants and one hundred (100) additional square feet for each occupant thereafter, except that, for the purpose of this section, children under one (1) year of age shall not be counted as occupants. The minimum overall height of the area to be included in this calculation shall be seven and one-half (7½) feet from the floor to the ceiling, except in structures or dwelling units legally erected or converted for residential use prior to 1951 to which the height requirement shall be six and one-half (6½) feet.
- B. Required space in sleeping rooms. Except as required under Subsection C, each room utilized for sleeping purposes shall have a minimum dimension of seven (7) feet and a minimum net floor area of seventy (70) square feet for the initial occupant, fifty (50)

²¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

square feet for each additional occupant, except that children under one (1) year of age shall not be counted as occupants for the purpose of this section. In existing structures built prior to 1951, if any dwelling has no room at least ten (10) feet by twelve (12) feet in size, two (2) persons will be allowed to sleep in the largest room therein so long as it is nine (9) feet in size at least.

- C. Where additional area required in sleeping rooms. Rooms utilized for sleeping purposes shall have a minimum net floor area of ninety (90) square feet for the initial occupant and seventy (70) square feet for each additional occupant in:
- (1) Room utilized for sleeping purposes in which there are cooking facilities.
 - (2) Rooms rented or available for rent in boardinghouses and lodging houses.

§ 254-33. Ceiling height requirements.

- A. Habitable rooms. At least sixty (60) square feet of floor area of every habitable room shall have a ceiling height of at least seven and one-half (7½) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. Habitable rooms in dwellings legally erected or converted prior to 1951 shall have a ceiling height of at least six and one-half (6½) feet.
- B. Common spaces other than habitable rooms. Every bathroom, water closet compartment, utility room, hall and passageway shall have a clear ceiling height of at least six (6) feet eight (8) inches. Bathrooms, water closet compartments, utility rooms, halls and passageways in dwellings legally erected or converted prior to 1951 are exempt from the six (6) feet eight (8) inches ceiling height requirements, but shall meet the ceiling height requirement prevailing at the time each of such dwellings was erected or converted.

§ 254-34. Cellars and basements.

- A. No cellar space shall be used as a habitable room or dwelling unit or for the required bathroom facilities of a dwelling unit, boardinghouse or lodging house.
- B. No basement space shall be used as a habitable room or dwelling unit unless:
- (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The total of openable window area in each room is equal at least to the minimum as required by § 254-24A(1)(a) and (b) and is located entirely above the grade of the ground adjoining such window area.
 - (3) The total of openable window area in each room is equal at least to the minimum as required by § 254-24A(1)(c) of Article V of this chapter.
 - (4) There are no ducts, pipes or other obstructions less than six (6) feet six (6) inches above floor level.

- (5) All furnace or other heating facilities are so located, insulated and separated from living areas by fireproof partitions or walls necessary pursuant to regulations of the Fire Chief to prevent the same from constituting an undue hazard to the safety and health of the occupants.
- (6) There is a second means of egress conforming to § 254-38C of this Article.

§ 254-35. Use of sleeping rooms as passageways.

Except in buildings legally erected for or converted to residential use prior to 1951, no dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such rooms so located that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

§ 254-36. Nature of occupancy of certain dwelling and rooming units limited.²³

- A. Occupancy of single-family dwelling. A single-family dwelling shall be occupied by persons composing a family and no more than two (2) other persons.
- B. Occupancy of dwelling unit. A dwelling unit in any building other than a single-family dwelling shall be occupied by persons composing an immediate family and no more than one (1) other person except as provided in Subsection C of this section.
- C. Notwithstanding the provisions of Subsection B of this section, the Director of Housing Code Enforcement is authorized to permit, on an annual basis, a dwelling unit, in a building containing six (6) or more dwelling units, to be occupied by not more than five (5) college or university students of the same sex pursuant to written leasing arrangements between the college or university where said students are enrolled as full-time students and the owner or manager of the building containing said dwelling unit, provided that:
 - (1) A copy of the written leasing arrangements is filed with the Director of Housing Code Enforcement.
 - (2) An appropriate official of said college or university submits a written agreement that he or she will cause adequate safeguards to be provided to ensure that said dwelling is properly maintained.
 - (3) In all other respects the occupancy of said dwelling unit is in full compliance with this chapter.
- D. Occupancy of rooming units. Rooming units shall be rented for occupancy or be occupied by adults and emancipated minors only.
- E. Occupancy of one-room dwelling units or rooming units. Occupancy of dwelling units or rooming units having only one (1) habitable room, except for those in approved hotel, motel or dormitory facilities, shall be limited to two (2) persons.

²³ Editor's Note: See also Ch. 188, Housing Accommodation.

§ 254-37. Occupancy standards to be cumulative.

Nothing contained herein shall be construed as permitting occupancy in violation of any other occupancy standard, all occupancy standards being cumulative and not alternative.

§ 254-38. Means of egress.

- A. Primary. Every dwelling unit shall have safe and unobstructed means of egress from every floor at ground level and above leading to safe and open space at ground level and accessible to a street.
- B. Secondary. In addition, there shall be a suitable and separate secondary exit from each dwelling unit by means of a doorway, stairway, protected passageway or openable window.
- C. Secondary from basement. The second means of egress from any basement dwelling unit may be by a second door located independently from the first means of egress and leading directly to the outside of the premises, or, in the alternative, by an openable window located no more than three (3) feet above floor level.
- D. From building three (3) or more stories above grade. In buildings three (3) or more stories above grade that are used as boardinghouses or lodging houses, or contain three (3) or more dwelling units or contain one (1) or more nonresidential uses and two (2) dwelling units, the secondary exit from the third story and from every additional story, if any, shall be by a metal fire escape or an enclosed stairway.
- E. From rooming units. Except in single-family dwellings, rooming units shall have a door opening directly into a common hallway or areaway. Any rooming unit located in the basement or at ground level shall be provided with a second means of egress that meets the same requirements as provided in Subsection C of this section. Where there is a rooming unit located above the first story, the common hallways or areaway into which it opens shall have two (2) means of egress remote from each other and one (1) of these shall open to a street of fireproof passage leading to a street and one (1) shall open to a yard or other safe space of sufficient area to accommodate all persons in the building.
- F. Access to exit. Access to any exit required by Subsections A through D of this section shall not necessitate passage through any other dwelling unit or part thereof nor shall any exit be subject to locking by any device which impedes or prevents ready egress.
- G. Door in path of egress. Any door in the path of egress shall be at least thirty (30) inches in width with a minimum height of six (6) feet six (6) inches, shall be free from obstruction and accessible from common hallways or areaways and shall open in the direction of travel if it leads to a fire escape or if it is located in a tenement house erected after 1904 or in any building erected as, or converted into, a dwelling after 1951.
- H. Openable window in path of egress. Where a window forms a part of egress from a dwelling unit or rooming unit or from a common areaway or hallway to a fire escape, the window opening shall be at least thirty-six (36) inches in width and thirty-four (34) inches in height, whether the window is double hung or single hung. The bottom of the opening or the sill height shall not be more than three (3) feet six (6) inches above the floor. Said

window shall be easy to open and shall lead directly to the fire escape or to the immediately adjacent outside ground area with maximum drop of three (3) feet six (6) inches thereto. Screens, storm windows and other barriers to the outside shall be readily opened or removed so as not to form any obstruction to occupants seeking egress in cases of emergency.

- I. Location and number of exits. Where two (2) or more exits are required, each exit shall be as remote as practicable from the other exit or exits. All the exits shall be of such number and so located that the distance of travel from the door of each rooming unit or dwelling unit on each floor shall not exceed fifty (50) feet except in buildings of fireproof construction or in buildings equipped with automatic sprinkler systems throughout where the maximum distance of travel from the door of any unit to the nearest exit shall not exceed one hundred (100) feet, provided that two (2) of the exits shall be at least fifty (50) feet apart.

ARTICLE VIII

Duties of Owners, Managers and Occupants

§ 254-39. Owners and managers.

Owners and managers shall have all the duties and responsibilities prescribed in this chapter and in regulations promulgated pursuant thereto, and no owner or manager shall be relieved from any such duty or responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant also is responsible therefor and in violation thereof.

§ 254-40. Occupants.

Occupants shall have all the duties and responsibilities prescribed in this chapter and in regulations promulgated pursuant thereto, and the occupant shall not be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof.

§ 254-41. Contract not to alter responsibility.

Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and manager on one (1) hand and the occupant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

ARTICLE IX

Maintenance Responsibilities of Owners and Managers

§ 254-42. Compliance required.

No person shall occupy or let to another for occupancy any dwelling, dwelling unit or rooming unit for the purpose of living therein or any nonresidential building or part thereof for any

business, commercial, governmental, industrial, institutional or other human use which does not comply with the requirements set forth in § 254-43.

§ 254-43. Maintenance of exterior of premises.

- A. The exterior of the premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions and fire or safety hazards in the public areas and any of the foregoing shall be removed and abated promptly by the owner or manager.
- B. Without limiting the generality of Subsection A, the maintenance includes:
- (1) Keeping alleys, driveways, fire escapes, porches, sidewalks, exterior stairways and yards reasonably clean and free from filth, garbage, obnoxious weeds, refuse or other debris and free from hazardous objects or conditions, such as excavations or holes, dead and dying trees, so as to afford safe passage and use.
 - (2) Providing and maintaining runoff drains adequate to prevent recurrent accumulations of stormwater or the entrance of water into a basement or cellar.
 - (3) Keeping the premises free of conditions conducive to infestation by vermin or insects, such as rodent harborages or stagnant water, and other known sources of infestation.
 - (4) Keeping any accessory building and any fence in good repair and free from fire, health and safety hazards.
 - (5) Providing a fence or wall of sufficient height to prevent persons from falling down the sharp drop in grade wherever there exists on any land a sharp drop in the grade of such land from the level of the street or sidewalk to said land or wherever there is a sharp drop in grade from said land to the level of the street or sidewalk and maintaining said fence or wall in safe and sound condition.
 - (a) If the Chief finds that any such fence or wall is in such condition as to create an unsafe condition or where he or she finds that no fence or wall exists where one is needed to prevent falls, he or she shall immediately notify the owner of the property and order said owner to forthwith repair, replace or install the fence or wall called for in Subsection B(5) of this section so as to eliminate such hazard.
 - (b) If the owner fails to comply with said order, the Chief shall notify the Director of Housing Code Enforcement who then shall cause such fence or wall to be repaired, replaced or installed so as to provide the required protection, and the cost thereof shall be charged to the owner of said property and collected in the manner provided in this chapter.
 - (c) In such emergency cases, the provisions of § 254-17G of Article III of this chapter regarding notice and hearing shall apply.

§ 254-44. Appearance of exterior of premises.

- A. Residential. The exterior of the premises, the exterior of all dwelling and the exterior of all accessory structures shall be maintained so that the appearance of the premises and all

building thereon shall reflect a level of maintenance in keeping with the residential standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the City of Jersey City. The maintenance also shall be at sufficiently high level that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

- B. Prescribed methods of maintaining appearance. Without restricting the generality of Subsection A, the methods of maintaining the appearance of the exterior of premises and structures shall include the prescribed actions on the following matters:
- (1) Front yard parking. No person shall park, stop or stand any motor vehicle, or permit or suffer the same to be done, in any front yard area of premises occupied by a dwelling, lodging house or hotel, except on driveways and parking areas constructed and installed in compliance with applicable provisions of the Jersey City Code. Effective on and after January 1, 1968, no such driveways or parking areas shall be constructed less than three (3) feet from the interior front sidewalk line adjacent to said premises.
 - (2) General maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose or broken shingles or siding, crumbling stone or brick, peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, fire and safety hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.
 - (3) Landscaping. Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly so that the same may not depreciate adjoining property or impair the residential character of the neighborhood.
 - (4) Reconstruction of walls and siding. All reconstruction of walls and siding shall be of standard quality and appearance commensurate at least with the residential character of the properties in the same block and on both sides of the street on which the premises front, so that the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the values of neighboring and adjoining premises.
 - (5) Signs. All signs permitted by reason of other regulations or as a lawful nonconforming use shall be maintained by their owner in good repair and lettering, illustrations or pictures contained on either side thereof shall be kept legible and intact while in use. Such signs shall be removed by their owner when no longer in use.
 - (6) Storage of commercial and industrial material. No equipment or materials relating to business, commercial or industrial uses shall be stored or used at a location visible

from the sidewalk, street or other public areas unless permitted under Chapter 345, Zoning, of this Code applicable to the premises.²⁴

- C. Nonresidential. The exterior of the premises and the condition of every structure and accessory structure, including fences, shall be maintained so that their appearance shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the city and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.
- D. Without limiting the generality of Subsection C, the methods of maintaining the appearance of the exterior of premises and structures shall include the prescribed actions on the following matters:
- (1) Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any sidewalk, street or other portion of the premises shall be maintained in good repair so as not to constitute a nuisance or safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they and their supporting members shall be removed forthwith. Where such awnings or marquees are made of cloth, plastic or similar materials any and all parts of said materials exposed to public view shall be maintained in good condition free of discoloration, excessive weathering, holes or tears. Nothing herein shall be construed to authorize any encroachment on sidewalks, streets or other parts of the public domain.
 - (2) Landscaping. Premises shall be kept landscaped and bushes, hedges and lawns shall be kept trimmed and from becoming overgrown and unsightly so that the same may not depreciate adjoining property.
 - (3) Signs and billboards. All permanent signs and billboards exposed to public view and permitted by other regulations or as a lawful nonconforming use shall be maintained in good repair. Signs which have become faded or excessively weathered or those upon which the paint has become cracked or peeled shall, with their supporting members, be removed forthwith or put into a state of good repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
 - (4) Signs or advertising; removal.
 - (a) Except for "for rent" or "for sale" signs, any temporary sign or other paper advertising material attached to a window or windows or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected or within sixty (60) days after erection if this occurs sooner.
 - (b) Except during the course of alterations or repairs, no more than fifty percent (50%) of the square footage of any single window or window display area shall be devoted to signs or other temporary advertising material attached to said

²⁴ Editor's Note: See also Ch. 263, Retail and Commercial Premises, and Ch. 296, Streets and Sidewalks.

window or windows or otherwise exposed to public view unless the establishment involved is located in a nonresidential zone and is lighted and ventilated adequately by artificial means. In the latter case, up to one hundred percent (100%) of any single window or window display area may be devoted to signs or other temporary advertising material.

(5) Storefronts.²⁵

- (a) All storefronts shall be kept in good repair, painted where required and free of any condition constituting a nuisance or safety hazard.
- (b) In the event that repairs to a storefront become necessary, such repairs shall be made with materials the same as or similar to those used in the construction of the storefront and in such a manner as to permanently repair the damaged area or areas.
- (c) Any cornice visible above a storefront shall be kept painted, where required, and in good repair.

(6) Windows. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless said areas first are screened from the public view by drapes, blinds or some permanent method of rendering said windows opaque, but in no case shall such storage and screening be permitted in the event that such screening would violate the natural light and ventilation regulations applicable to the premises. All permitted screening of interiors shall be maintained in clean and attractive condition and in a state of good repair.

§ 254-45. General safety and sanitation.

- A. Residential. Every dwelling and accessory structure and every part thereof shall be maintained in a structurally sound condition and in a state of good repair. All parts of a dwelling also shall be kept in a clean and sanitary condition, free of nuisances, and free from fire, health and safety hazards.
- B. Without restricting the generality of Subsection A, the following requirements shall be met:
 - (1) Load-bearing capacity. Every part of a dwelling shall be maintained so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.
 - (2) Painting and other protective coating. All exposed surfaces susceptible to decay, at all times shall be kept painted or covered by another protective coating sufficient to prevent deterioration.²⁶

²⁵ Editor's Note: See also Ch. 278, Security Gates.

²⁶ Editor's Note: See also Ch. 233, Paint Stripping.

- (3) Weathertightness and watertightness. Every dwelling shall be maintained so as to be weathertight and watertight.
- (4) Foundation.
 - (a) A foundation wall of a dwelling shall be maintained so as to prevent the entrance of moisture, insects and rodents.
 - (b) Without restricting the generality of Subsection B(4)(a), the maintenance includes shoring of the wall where necessary, installing subsoil drains at the footing, grouting masonry cracks, waterproofing the wall and joists and using other suitable means.
- (5) Exterior wall and its components.
 - (a) An exterior wall of a dwelling and its components shall be maintained so as to prevent its deterioration due to weather and insects and to preserve its appearance.
 - (b) Without restricting the generality of Subsection B(5)(a), the maintenance includes the painting, or whitewashing, repairing or restoring of the wall, coping or flashing; waterproofing of the joists; waterproofing of the wall itself; installing of termite shields in buildings erected after the adoption of this chapter, if required by Chapter 131, Uniform Construction Codes; repairing of termite shields, if any; extermination of termites in infested buildings; and treating of the soil with poison and using other suitable means.
- (6) Exterior wall of accessory building. An exterior wall of an accessory building shall be maintained so as to prevent its deterioration and to preserve its appearance.
- (7) Roof.
 - (a) A roof of a dwelling shall be maintained in a watertight condition so as to prevent leakage into the dwelling.
 - (b) Without restricting the generality of Subsection B(7)(a), the maintenance includes repairing of the roof and flashing, applying waterproof coatings, installing or repairing gutters and leaders and using other suitable means.
 - (c) Dangerous accumulations of snow or ice or both shall be removed from the roof of a dwelling or accessory building.²⁷
- (8) Windows, exterior doors and hatchways.
 - (a) Every window, exterior door and hatchway shall be maintained so as to be weathertight, watertight and rodentproof and shall be kept in good repair.
 - (b) Without restricting the generality of Subsection B(8)(a), the maintenance includes painting and renewing rotted or damaged doors, door frames, window frames, sills, sashes and casing, refitting doors and windows, weatherstripping,

²⁷ Editor's Note: See also Ch. 296, Streets and Sidewalks, Art. I.

replacing broken or worn window cords and defective door and window hardware, reglazing and using other suitable means.

- (9) Exterior fire escapes, landings, porches and stairs.
- (a) Exterior balconies, fire escapes, landings, porches and stairs shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling and also shall be maintained free of holes and cracks, clear of obstructions and in structurally sound condition.
 - (b) Without limiting the generality of Subsection B(9)(a), the banisters or railings shall be required on the open side of a stairway, fire escape, balcony, porch, landing and stairwell. In addition, the banister or railing shall be coated with a durable fire-retardant and heat-resistant coating that shall meet Class A flamespread rating of the American Society for Testing and Materials and shall be overcoated with a semigloss, fire inert, enamel coating capable of meeting the durability standard set by Federal (DOD) Specification No. TT-P-0026B.
- (10) Chimneys, smoke pipes and flues.
- (a) Every chimney, smoke pipe and flue on a dwelling shall be maintained so as to prevent gases from leaking into the dwelling.
 - (b) Without restricting the generality of Subsection B(10)(a), the maintenance includes clearing the flue of obstructions, sealing open joints, keeping the chimneys, smoke pipes, flues and any other vent attachments thereto in structurally sound and safe condition, repairing masonry and using other suitable means.
- (11) Fireplaces.
- (a) Every fireplace used or intended to be used in a dwelling for burning fuel in open fires shall be maintained so that adjacent combustible materials and structural members shall not be heated to unsafe temperatures.
 - (b) Without restricting the generality of Subsection B(11)(a), the maintenance includes securing connection to a chimney that complies with the provisions of Subsection B(10) of this section and, if necessary, lining or repairing and relining the fireplace with fire-resistant material and installing, repairing or replacing the hearth.
- (12) Light and air shafts.
- (a) All light and air shafts shall be enclosed with guardrails to help protect those who use the roofs onto which these open from falling into such shafts.
 - (b) Guardrails for light and air shafts shall be of iron or steel of good quality, covered by at least one (1) coat of approved paint before leaving the shop and with at least one (1) additional coat of paint placed thereon immediately after installation of said guardrails.
 - (c) All such guardrails shall be constructed according to the following specifications:

[1] The four (4) corners forming the main supports shall be made of angle iron not less than two and one-half by two and one-half ($2\frac{1}{2} \times 2\frac{1}{2}$) inches by three-sixteenths ($\frac{3}{16}$) of an inch thick. Another such angle iron of the same dimensions shall be used to form the anchor around the base to bear on the roof through which the lag screws will be placed to penetrate into the trimmer and header beams forming the well opening. The corner posts are to be not less than three (3) feet in height. The top rail shall extend around all sides and shall be securely fastened to the upright angle irons forming the corner posts. All top rails shall be made of angle iron one and one-half by one and one-half ($1\frac{1}{2} \times 1\frac{1}{2}$) inches by three-sixteenths ($\frac{3}{16}$) of an inch thick. All corners are to be mitered. The intermediate rail shall be of wrought iron or steel slat material not less than one and one-half ($1\frac{1}{2}$) inches by three-sixteenths ($\frac{3}{16}$) of an inch thick. All members are to be secured to each other by means of rivets or properly welded joints.

[2] The angle iron forming the base bearing upon the roof shall be secured to the roof by means of lag screws not less than five-eighths ($\frac{5}{8}$) of an inch in diameter and five (5) inches long, properly screwed into bored holes in the trimmer and header beams, said holes to be not more than seven-sixteenths ($\frac{7}{16}$) of an inch in diameter, and the center of such holes shall be in the center of the outside trimmer or header beam, for all openings such as these have double beams framing the opening.

(d) All such guardrails also shall be made to conform with such other requirements as may be necessary to secure the utmost protection to all concerned.

(13) Stairs, handrails and banisters.

(a) Interior stairs and stairways in every structure used for human habitation shall be maintained in structurally sound condition, capable of sustaining any weight that may be put on these through normal use and free of defects and obstructions.

(b) Without restricting the generality of Subsection B(13)(a), the maintenance includes repairing or replacing treads or risers that show excessive wear or are broken, warped or loose and supporting structural members that are rotted or deteriorated.

(c) Handrails or banisters shall be provided for all interior stairs, stairways and balconies, shall be securely attached, shall be of sufficient height and shall be so maintained as to guard against accidents.

(d) Without restricting the generality of Subsection B(13)(c), the maintenance includes repairing or replacing broken, loose or missing handrails or balusters.

(14) Basements and cellars. The ceilings, floors and walls of every basement and cellar are to be kept dry and free from dampness at all times regardless of exterior weather conditions, and all basements and cellars are to be kept ventilated at all times.

(15) Floors.

(a) Every floor in a dwelling shall be kept in a clean condition and shall be maintained so as to be free of broken, loose, protruding, rotted or warped boards

or broken or cracked tile that might cause an accident or what might serve as an entry point for rodents.

- (b) Without restricting the generality of Subsection B(15)(a), the maintenance includes the repairing or replacing of floorboards or tiles; and, where the floorboards have been covered by the owner or the tenant, dependent upon the rental agreement, with linoleum or some other covering that has become torn or so worn that it retains dirt, the repairing or replacing of the linoleum or other covering by the owner or the tenant as provided in the rental agreement.

(16) Bathroom, kitchen and water closet compartment floors.

- (a) Residential. Bathroom, kitchen and water closet compartment floors shall be surfaced with water-resistant material by the owner or the tenant, according to the rental agreement, and at all times shall be kept in a clean, dry and sanitary condition by the tenant; and shower room floors also shall be kept clean and sanitary by the tenant.
- (b) Nonresidential. Bathroom, kitchen and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a clean, dry and sanitary condition at all times.

(17) Basement and cellar floors. In structures erected after 1951, floors of basements and cellars shall be paved with stone or concrete not less than four (4) inches thick, but in structures erected prior to 1951, brick or concrete floors not less than two (2) inches thick shall be acceptable. All basement and cellar floors shall be maintained at all times in a clean and smooth condition and free from breaks, cracks and other hazards.

(18) Supporting structural members. Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

(19) Walls and ceilings.

- (a) Every wall and ceiling in a dwelling shall be maintained in clean condition and free of breaks or holes and loose plaster or other material which might cause injury if it collapsed.
- (b) The surface of every ceiling and wall shall be kept smooth, clean and free of flaking loose or peeling paint, plaster or paper. The finish of these surfaces shall be capable of being maintained in a sanitary condition free of visible foreign matter and of vermin. When it becomes necessary to accomplish the foregoing or any part thereof, such interior surfaces shall be spackled, painted, papered or otherwise provided with a protective coating appropriate for the surface material. This shall be done at least once every three (3) years unless it is clearly unnecessary. **[Amended 9-27-1989 by Ord. No. McC-23]**

(20) Interior painting.

- (a) To protect occupants and the general public against the danger of lead poisoning, no lead paint may be used to cover interior ceilings, floors, trim, walls or other interior surfaces of any dwelling, dwelling unit or rooming unit.

- (b) To reduce the danger of the spread of fire, effective January 1, 1970, every staircase and/or stairwell leading from the basement or cellar to the first floor and every common passageway, staircase and stairwell within every establishment subject to licensing and every tenement house three (3) or more stories in height shall be coated with a fire-retardant coating that meets the American Society for Testing and Materials standard for Class A flamespread rating.
- (21) Freedom from infestation. All parts of the premises shall be maintained so as to prevent infestation.
- (22) Freedom from accumulations and obstructions. Freedom from accumulations and obstructions and other putrefactive or combustible material shall be permitted in common or private areaways, balconies, hallways, porches or stairways or in common or private basements or cellars, except that garbage stored in proper containers may be set outside for removal, pursuant to Subsection B(26) of this section, the night before the time set for its collection by the garbage removal agency of the city.
- (23) Garbage containers for exterior of building. Where there are one (1) or more occupants in any dwelling unit other than the one occupied by the owner, the owner shall supply for each dwelling unit a watertight container, with tight-fitting cover and made of metal or other approved material, at the exterior of the premises for the removal of garbage and rubbish.
- (24) Responsibility for removal of garbage. The owner or manager shall have the duty and responsibility of removing garbage whenever a janitor is required for the premises in accordance with Subsection B(26) of this section.
- (25) Accumulating rubbish and nonfireproof storage prohibited. Storage bins, rooms and areas shall not be used for accumulated garbage or rubbish; provided, however, that enclosed spaces or rooms in the interior of dwellings which are used exclusively as garbage collection points, are equipped with garbage containers complying with § 254-26B(2) and from which room or space the containers are removed by the janitor at least once daily shall not be prohibited. Inflammable or combustible liquids or other materials may not be stored on the premises unless these are of a type approved for storage by the regulations of the Fire Department, and then only in such quantities and in such fireproof containers as may be prescribed by the regulations.
- (26) Janitorial service. In every dwelling containing three (3) or more dwelling units or rooming units or combination thereof, in which the owner does not reside, said owner shall provide or designate a superintendent, janitor, caretaker or housekeeper who shall maintain the premises in compliance with this chapter at all times and keep the interior and exterior of the premises free from filth, garbage and rubbish. All garbage and waste materials in each dwelling unit shall be deposited daily by the occupants in the exterior garbage containers supplied by the owner or shall be placed in the incinerator or on the dumbwaiter if incinerator or dumbwaiter service is provided. Where garbage containers are supplied, the janitor shall place the same outside for collection according to the schedule of the garbage removal agency of the city.
- (27) Address of superintendent. In the event that said superintendent, janitor, caretaker or housekeeper shall not reside on the premises under his or her care, the owner or

manager shall make said person's name, address and telephone number known to all tenants, and shall register the same with the Director of Housing Code Enforcement, and also shall make available and known to all tenants and the Director of Housing Code Enforcement the name, address and telephone number of an alternate individual who shall be responsible during the absence of said superintendent, janitor, caretaker or housekeeper.

(28) Residence on premises.

- (a) In any premises containing six (6) or more dwelling units, rooming units or combination thereof, the superintendent, janitor, caretaker or housekeeper shall reside on the premises.
- (b) Where more than one (1) building on adjoining premises or on premises in near proximity to each other are in common ownership or under common management or maintenance supervision, the requirements contained in Subsection B(28)(a) shall apply separately to each building unless the buildings contain forty-two (42) units or less and the owner can demonstrate to the satisfaction of the Director of Housing Code Enforcement that proper operation of the premises and provision of all essential services and facilities as required under city codes and ordinances can be provided by a resident superintendent, janitor, caretaker or housekeeper of one (1) building who shall assume responsibility for the other building or buildings adjoining or in near proximity to his or her place of residence.

(29) Authority and competence of superintendent.

- (a) Every building superintendent, janitor, caretaker or housekeeper shall have sufficient knowledge, competence and responsibility to perform his or her duties in accordance with the minimum standards set by this chapter for janitorial service.
- (b) The owner or manager of each and every residential building shall provide its superintendent, janitor, caretaker or housekeeper with a list of contractors whom he or she shall contact if an emergency occurs at any time when the owner or manager cannot be reached by telephone, to arrange for immediate correction of the condition or conditions causing the emergency, so as to assure continual operation of all essential services and facilities required under this chapter.

(30) Owner responsibility for janitorial services. The failure of any superintendent, janitor, caretaker or housekeeper to comply with the provisions of this chapter, even in disobedience of instructions, shall not relieve the owner or manager from the duties and responsibilities imposed by this chapter.

(31) Extermination of pests. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests on the premises. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

- (32) Maintenance of public areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition all communal, shared, public areas of the dwelling and premises, including the yard and accessory buildings thereof which are used or shared by the occupants of two (2) or more dwelling units.
 - (33) Notification to tenant of maximum occupancy. No owner shall occupy or rent to any other person or persons for occupancy or allow any other person to occupy any dwelling or dwelling unit unless he or she has informed such persons in writing of the maximum number of individuals that may live in said dwelling or dwelling unit.
 - (34) Responsibility to supply equipment and facilities. It shall be the owner's responsibility to supply, unless stipulated otherwise in this Code or otherwise provided for under lease agreement, all of the equipment and facilities required by this chapter.
 - (35) Installation and maintenance of supplied facilities. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function properly and shall be maintained by the owner free of defect and in working condition at all times.
 - (36) Repairs and maintenance of supplied facilities. The owner is responsible for all repairs and maintenance to supplied facilities and equipment required by this chapter, except where provided otherwise in the chapter, regardless of any agreement or lease entered into between owner and occupant.
 - (37) Ban or interruption of supplied services and facilities. No owner or manager shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of this chapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while repairs, replacements or alterations are in the process of being made.
- C. Nonresidential. The exterior and interior of every structure or accessory structure (including fences, signs or storefronts) shall be maintained in clean and sanitary condition and in good repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance.
- D. Without restricting the generality of Subsection C, the following requirements shall be met:
- (1) Responsibility for removal of garbage. The owner or manager shall have the duty and responsibility of removing garbage.
 - (2) Accumulating rubbish and nonfireproof storage prohibited. Storage bins, rooms and areas shall not be used for accumulated garbage or rubbish. Inflammable or combustible liquids or other materials may not be stored on the premises unless these are of a type approved for storage by the Fire Department and then only in such fireproof storage containers as may be prescribed by the regulations.
 - (3) Maintenance of exterior surfaces. All exterior surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or

other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety, health and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.

- (4) Maintenance of interior surfaces. All interior surfaces shall be kept clean and free of cracks, holes, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenances.

E. Vacant buildings shall be properly secured as required by § 254-21 hereof.²⁸

§ 254-46. Security measures for residential buildings.

- A. Every building containing four (4) or more dwelling units shall be provided with:
- (1) Self-locking doors at every entranceway providing access to each dwelling unit from all hallways or other common area.
 - (2) Self-locking and self-closing doors at every entranceway providing access to each building from the exterior thereof, except as hereinafter provided.
- B. Except in wood frame detached buildings, every building containing four (4) or more dwelling units shall be provided with either:
- (1) A self-closing and self-locking main entranceway door to the exterior thereof which shall be opened only by a key from the outside and by an electrical control system operable from each dwelling unit;
 - (2) A peephole in the front door of each dwelling unit; or
 - (3) A doorman at the main entranceway door to the exterior thereof.
- C. All locks, self-locking and self-closing doors and electrical control systems, such as buzzers, bells or intercom systems, shall be maintained in good and operable condition at all times.
- D. Where a building remains vacant for thirty (30) days or more it shall be the duty of the owner to board up or otherwise properly secure all windows, doors and other openings to prevent unauthorized entry.

ARTICLE X

**Property Used for Illegal Activities
[Added 6-24-1992 by Ord. No. 92-075]**

§ 254-47. Definitions.

As used in this Article, the following terms shall have the meanings set forth herein:

CHIEF OF POLICE — The Chief of the Police Department or his or her designees in the enforcement of this Article.

²⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

COSTS — Those cost actually incurred by the city for the physical securing of the structure, as well as tenant relocation costs, if required to be paid to any person.

OWNER — Any person, agent, form, corporation, association or partnership, including a mortgagee in possession in whom is vested:

- A. All or part of the legal title to the property;
- B. All or part of the beneficial ownership and a right to present use and enjoyment of the premises; or
- C. An occupant of the property.

PERSON — Any natural person, association, partnership or corporation capable of owning or using property in the State of New Jersey.

SPECIFIED CRIME PROPERTY — Any structure or place where activity involving the unlawful possession, use, sale, delivery or manufacture of a controlled substance, as defined in N.J.S.A. 24:21-35 or 2C:31-2, as amended from time to time, has occurred or is occurring.

STRUCTURE — Any kind of structure, edifice or building, or unit(s) thereof, regardless of its commercial, residential or institutional use, including apartment units, rental units or garages of common areas, exterior or interior.

§ 254-48. Use as specified crime property prohibited.

- A. Use of property. It is unlawful for structures to be employed or used as specified crime property within the City of Jersey City. If, pursuant to the procedures contained in this Article, property is found to be used or employed as such, it is subject to closure for a period of up to one (1) year.
- B. Personal responsibility. It is unlawful for any person to employ, use, maintain or allow the employment, use or maintenance of specified crime property under their ownership and/or control by renting it or otherwise allowing or suffering others to so use it. A person who is found in violation of this subsection shall be subject to civil penalties of up to five hundred dollars (\$500.) per day for each day the property has been used as specified crime property, as set forth herein.

§ 254-49. Violations and penalties; waiver.

Unless vacation of a premises is waived or set aside by the Superior Court, it shall be unlawful for any person to use or occupy any structure determined to be specified crime property after the period prescribed in a notice, after service of notice has been made pursuant to §§ 254-50 and 254-51.

- A. The provisions of this Article may be waived by the city in the event that the Director of Police determines that exigent circumstances are such that the use or occupancy of the structure prior to a plenary judicial review is mandated and not contrary to the public safety.

- B. Any occupant who fails to cease the use or occupancy of a structure, as required by this Article, shall be subject to the fines and penalties, civil or otherwise, provided for violation of this Article pursuant to a court order, after notice and an opportunity to be heard by the court having jurisdiction of an action brought pursuant to this Article.

§ 254-50. Determination and notice of violation.

When the Chief of Police has determined that a structure has been or is being used or maintained in violation of § 254-48, he or she shall request the Corporation Counsel to commence proceedings to cause the closure of the structure unit or area, as well as the imposition of civil penalties against any or all of its owner.

§ 254-51. Contents of notice.

The Chief of Police shall notify the owner of record, in writing, that the structure has been determined to be specified crime property.

- A. The notice shall contain the following information:
- (1) The street address and a legal description sufficient for identification of the premises on which the structure is located.
 - (2) A statement that the Chief of Police has found the structure to be in violation of this Article, with a concise description of the conditions leading to his or her findings.
- B. A copy of the notice shall be served on the owner, resident, manager and/or agent at least ten (10) days prior to the commencement of any judicial action by the city. Service shall be made either personally or by mailing a copy of the notice by registered or certified mail, postage prepaid, return receipt requested, to each person at their address, as registered with the city clerk, or in the case of properties not subject to such registration, to the address of the owner of record as it appears on the last equalized assessment of the tax roll, as well as on the last instrument of conveyance as recorded in the County Clerk's office, and as may be otherwise known to the Chief of Police. If no address appears or is known to the Chief of Police, then a copy shall be mailed first class, postage prepaid, addressed to such person at the address of the structure believed to be specified crime property.
- C. A copy of the notice shall also be served on the occupants of the structure. Service of this notice shall occur not less than five (5) days prior to the commencement of any judicial proceedings and shall be made either personally or by mailing a copy of the notice by first class mail, postage prepaid, to them at the structure.
- D. Furthermore, a copy of the notice shall be posted at the property if ten (10) days has elapsed from the service or mailing of the notice to the owner(s) without return proof of receipt.

§ 254-52. Failure to receive notice.

The failure of any person or owner to receive actual notice of the determination by the Chief of Police shall not invalidate or otherwise affect the proceedings under this Article unless, and to

the extent it shall be determined, that deprivation of notice substantially interfered with the owner's ability to abate any nuisance within the time period prescribed.

§ 254-53. Commencement of action.

- A. Civil proceeding. Concurrent with the notification procedures set forth above, the Chief of Police shall send a copy of the notice to the Director of Police together with any other documentation which he or she believes supports the closure of the structure and the imposition of civil penalties. The Director of Police shall then request the Corporation Counsel to commence civil proceedings in a court of competent jurisdiction seeking the closure of the structure as well as the imposition of civil penalties against any and all of the owners thereof, and any such other relief as may be deemed appropriate.
- B. Exception: agreement to abate conditions. Nothing contained in Subsection A shall be construed to limit the ability of the Director of Police, prior to the institution of judicial proceedings, to enter into agreements with an owner willing to voluntarily abate the condition(s) giving rise to the violation.

§ 254-54. Stay of proceedings.

Except in a proceeding under § 254-57, if, after commencement but prior to the trial of an action brought by the city pursuant to this Article, an owner specifically commits, in an enforceable manner, to pursue a course of action which is calculated to abate the conditions giving rise to the violation(s), the city shall agree to stay proceedings for a period of not less than ten (10) nor more than sixty (60) days. The owner or the Corporation Counsel may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) contemplated by the stipulation. However, in the event that the Corporation Counsel reasonably believes the owner is not diligently pursuing the action(s) contemplated by the stipulation, he or she shall then apply to the court for a release from the stay seeking relief, as is deemed appropriate.

§ 254-55. Burden of proof.

In all actions seeking the closure of a structure as a specified crime property, the Corporation Counsel shall first determine that sufficient evidence exists to meet the burden of proof that the structure is a specified crime property. In all actions seeking civil penalties from an owner, the Corporation Counsel shall first determine that sufficient evidence exists to meet the burden of proof to show that the owner had actual or constructive knowledge of activities or conditions at the structure constituting a violation of this Article, on the basis of the notice provided hereunder or otherwise, and of the fact that the owner did not, thereupon, act to abate the activity or the conditions or circumstances giving rise to the activity, including but not limited to the commencement of eviction proceedings in the case of an offense by a tenant.

§ 254-56. Defense.

It is a defense to an action seeking the closure of a structure or penalties that the owner of the subject property acted reasonably and diligently but could not, by the exercise of reasonable care or diligence, determine that the structure had been or was being used or maintained as a specified crime property and that, upon receipt of notice of such activity pursuant to this Article, all reasonable measures were taken to abate such activity, including but not limited to the institution of summary eviction proceedings or other forms of action calculated to prevent such activity from recurring on the property.

§ 254-57. Closure during pendency of action.

In the event that it is determined that the structure is an immediate threat to the public health, safety and welfare, the Corporation Counsel shall apply to the court for such interim relief that is deemed to be appropriate. In such an event, the notification procedures set forth at § 254-50 and the limitation of § 254-54 need not be complied with.

§ 254-58. Enforcement of closure order; costs; penalty.

- A. In the event that a structure constitutes a specified crime property, as defined in this Article, the Corporation Counsel shall pursue, on notice to all tenants affected and all lien holders of record, in addition to all other remedies, an order of the Superior Court that it, or any unit or area of it, be closed for any period of up to one (1) year and that the owner(s) pay to the city a civil penalty of up to five hundred dollars (\$500.) for each day the owner had knowledge of activities or conditions at the structure constituting a violation of this Article and failed to undertake or maintain efforts of abatement. In the event that the enforcement of this Article requires an owner to institute tenancy eviction or partition proceedings, it shall be the duty of all appropriate officials of the City of Jersey City to provide testimony or evidence in such cause.
- B. In establishing the amount of any civil penalty to pursue, the Corporation Counsel shall consider the following factors, if appropriate, and shall cite those found applicable.
- (1) The actions taken by the owner(s) to mitigate or correct the problem at the structure.
 - (2) The financial condition of the owner(s).
 - (3) Whether the problem at the structure was repeated or continuous.
 - (4) The magnitude or gravity of the problem.
 - (5) The economic or financial benefit accruing or likely to accrue to the owner(s) as a result of the conditions at the structure.
 - (6) The cooperativeness of the owner(s) with the city.
 - (7) The cost to the city of investigating and correcting or attempting to correct the condition.
 - (8) Any other factor deemed by the Corporation Counsel to be relevant and worthy of consideration by the court.

- C. The Corporation Counsel may seek orders authorizing the city or ordering the owner to physically secure the structure against use or occupancy in the event that the owner(s) fail to comply with other remedies agreed to or ordered by the court within the time specified. In the event that the city is authorized to secure the property, all costs reasonably incurred by the city to effect a closure shall be made an assessment lien upon the property.
- D. The city bureau(s) effecting the closure shall be responsible for maintaining records and providing statements of costs for submission by the Corporation Counsel to the court.

§ 254-59. Relief from closure order.

- A. The Corporation Counsel may enter into consent orders, with the approval of the court, with an owner of a structure determined to be specified crime property to provide relief from the court's judgment if the owner:
 - (1) Appears and pays all costs associated with the proceedings under this Article.
 - (2) Files a bond in such a place and form as the court may by order direct, in an amount not less than the tax assessed value of the structure and keeps such bond in force for a period of not less than one (1) year, or for such period as the court directs.
 - (3) Enters into a stipulation with the city that the owner shall immediately abate the conditions giving rise to the determination that the property is a specified crime property and prevent the same from being established or maintained thereafter. The stipulation will then made part of the court's record.
- B. In the event that the owner violates the terms of the stipulation, the city may thereafter apply to the court for an order awarding up to the entire amount of the aforementioned bond to the city as a penalty, as well as such other relief, including closure for any additional period of up to one (1) year, that is deemed by the court to be appropriate.

ARTICLE XI

Maintenance Responsibilities of Occupants

§ 254-60. General responsibilities.

- A. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises, including the yard and accessory buildings thereof, which he or she occupies and controls.
- B. No occupant shall create fire or safety hazards by storing goods or property or by dumping garbage or refuse on the means of egress or in the public areas of the building he or she occupies.

§ 254-61. Rubbish disposal.

Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by § 254-30 of Article VI.

§ 254-62. Garbage removal.

- A. Every occupant of a dwelling unit in a dwelling containing no more than two (2) dwelling units shall be responsible, unless provided for otherwise under a lease agreement, for the periodic removal of all garbage and rubbish from the premises in accordance with the regulations of the city for the collection of garbage and rubbish.²⁹
- B. In every dwelling containing three (3) or more dwelling units, all garbage and waste materials in each of said dwelling units shall be deposited daily by the occupants in the exterior garbage containers supplied by the owner or shall be placed by them in the incinerator or on the dumbwaiter if incinerator or dumbwaiter service is provided.

§ 254-63. Extermination.

- A. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested.
- B. Notwithstanding the foregoing provision of this Article, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner.

§ 254-64. Screens.

Every occupant of a dwelling or dwelling unit containing two (2) dwelling units or less shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

§ 254-65. Kitchen facilities and plumbing fixtures.

Every occupant of a dwelling unit shall keep all food storage receptacles, cooking facilities and plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

§ 254-66. Heating facilities.

Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care, proper care and proper operation of supplied heating facilities.

²⁹ Editor's Note: See Ch. 287, Solid Waste.

§ 254-67. Care in use of premises and facilities.

Every occupant of a dwelling unit which is let or rented from another shall be responsible for the exercise of reasonable care and the proper use of the dwelling unit, and its component parts, and supplied facilities, equipment, fixtures and furnishings.

§ 254-68. Overoccupancy unlawful.

No occupant shall occupy or permit the occupancy of any dwelling or dwelling unit in violation of the occupancy standards established in this chapter.

§ 254-69. Owner's right of entry.

Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§ 254-70. Maintenance of plumbing.

Every occupant or operator shall maintain all plumbing fixtures used by him or her in a clean and sanitary condition, and he or she shall not deposit any material in any fixture or sewer system which would result in stoppage of or damage to the fixture or sewer system.

§ 254-71. Providing notice of defect to owner.

Where the owner or manager would not otherwise know of a defect in any facility, utility or equipment required to be furnished hereunder and the same is defective or inoperable, each occupant or manager affected thereby shall, upon learning of said defect, provide notice to the owner, manager or other person in charge of the premises. However, nothing herein shall be construed to provide a defense to any owner or manager violating this chapter.

§ 254-72. No occupancy without required facilities.

No person shall occupy or continue to occupy a dwelling unit or rooming unit that does not have provision for bathroom facilities as required under § 254-26A(1) of Article VI and § 254-100A of Article XVI.

§ 254-73. Violations by minors.

Any adult member of the family or any adult foster parent shall be responsible and liable for any violation of this Article caused by minors under their care or custody and occupying the same dwelling unit if the violations were created or permitted to continue with the knowledge or acquiescence or consent of said adult member or adult foster parent.

ARTICLE XII

Illegal Transportation of Landfill; Dumping**§ 254-74. Unlawful acts.**

It shall be unlawful for any person to transport landfill without a permit or to dump or otherwise deposit garbage, rubbish or other refuse on any vacant or occupied land within the city; or to permit the growth of ragweed or other noxious weeds or to permit the accumulation of stagnant water or the breeding of mosquitoes or the harboring of rodents.

§ 254-75. Dumping. [Amended 6-14-1995 by Ord. No. 95-050]

Without restricting the generality of § 254-74 of this article, no person shall dump or otherwise deposit bottles, broken glass, carpets, crockery, cut grass, leaves, tree branches, lumber, bedding or furniture, iceboxes or refrigerators, leather, metal, old clothes, old shoes, rubber or tires on any vacant or occupied land within the city.

ARTICLE XIII

Certificate of Necessity**§ 254-76. Applicability.**

Where any owner, manager or occupant is required to make repairs or otherwise improve his or her property and is unable to comply with this chapter without having right of access to the building or premises through or across adjoining premises not owned by him or her or under his or her control, and where right of access has been refused the owner, manager or occupant, or where the owner or person responsible for granting permission cannot be found or located, then, upon filing of affidavit setting forth the facts with the Director, the Director shall serve a five-day written notice of a hearing in accordance with the provisions for service contained in § 254-17 of Article III upon the owner, manager or occupant of any adjoining premises affected by the application.

§ 254-77. Hearing.

On the day fixed for hearing the Director shall provide an opportunity for the owner, manager or occupant of the adjoining property or properties to state why access should not be granted to or across the adjoining properties.

§ 254-78. Issuance of certificate; conditions; bond.

If the Director determines that access is necessary to accomplish or complete repairs or improvements necessary for compliance with this chapter, then the Director shall issue a certificate of necessity setting forth therein the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect the adjoining property, reasonable time limits during which such certificate shall operate, precautions to be taken to avoid damage and, where the Director deems proper, that a bond be procured against damage to persons or

property arising out of such rights of access. The bond shall not exceed in amount \$10,000, and the amount set shall take into consideration the extent, nature and duration of the repairs, the proximity of the improvement on the premises affected and potential risk of damage thereto. The bond shall be filed with the Director.

§ 254-79. Procedure where access refused.

Any refusal to comply with this article or any interference with access to premises pursuant to a certificate issued hereunder shall be a violation of this chapter, and in addition to penalties provided hereunder, the Director may, upon affidavit, apply to the Judge for a warrant under the procedure set forth in § 254-14B of Article III authorizing access to the premises under appropriate conditions and circumstances as provided under § 254-78 of this article.¹⁰

ARTICLE XIV
Registration and Notification

§ 254-80. Changes in ownership.¹¹

- A. Any change in address of the persons cited in N.J.S.A. 40:48-2.12C shall be reported to the Division of Construction Code Official within 30 days after such change. [Amended 6-14-1995 by Ord. No. 95-050; 8-13-1997 by Ord. No. 97-052]
- B. Upon any change in the ownership or control of any dwelling containing three or more dwelling units which is let or rented to others for the purpose of living therein, the new owner or manager shall register such transfer by making application for a new Limitation of Occupancy Notification within 30 days of the time of acquisition.¹²

§ 254-81. Application form for notification.

- A. Where to apply. The application for a Limitation of Occupancy Notification shall be made by the owner or manager to the Chief on forms provided by the Division of Construction Code Official. [Amended 8-13-1997 by Ord. No. 97-052]
- B. The application shall contain:
 - (1) The name and address of the manager and the name and address of the owner if the manager is not the owner.
 - (2) The location of the dwelling or dwelling units, including the street and number of each entrance.

¹⁰ Editor's Note: Original Sec. 13-70, entitled "Obligation to register," and Sec. 13-71, entitled "Contents of Limitation of Occupancy Notification," which immediately followed this section, were deleted 6-14-1995 by Ord. No. 95-050.

¹¹ Editor's Note: See also Ch. 257, Property Transfers.

¹² Editor's Note: Original Sec. 13-73, entitled "Reporting increases in dwelling units or occupancy," which immediately followed this section, was deleted 6-14-1995 by Ord. No. 95-050.

- (3) The number of dwelling units available for rent in accordance with the provisions of this chapter and with the rules and regulations issued thereunder and in accordance with any other applicable provisions of the Jersey City Code or regulations thereof.
- (4) If the owner or manager is a corporation, the name and address of such corporation and the name and address of its president, secretary and registered agent shall be given.
- (5) If the owner or manager does not actually reside within the city or is not customarily present at an office in the city for the purpose of transacting business, then such owner or manager shall register the name and address of a person, or persons, who resides within or is customarily present at an office in the city who will be responsible for the maintenance and operation of the dwelling or dwelling units in accordance with the provisions of this chapter and who will be authorized to receive notices and process on behalf of the owner or manager in connection with the enforcement of this chapter. In the event that the owner or manager is a corporation, or in the event that a corporate managing agent is designated by an owner or manager, the corporation shall designate an officer or agent as the person so responsible. Said officer or agent designated as a managing agent shall meet the requirements of this subsection as to location and residence.
- (6) Any person who signs the application herein provided for shall certify that all statements therein contained are, to the best of his or her knowledge and belief, true and correct.
- (7) Such other information as the Chief may require.

ARTICLE XV
Licensing¹³

§ 254-82. License required. [Amended 4-14-1983 by Ord. No. MC-340]

- A. No person, firm or corporation shall manage, conduct or operate the business of keeping a furnished apartment, hotel or motel, referred to hereunder as "establishments," subject to licensing, without first securing a license therefor within the time and manner provided, nor shall any owner permit on premises owned by him or her the operation of such an establishment without a license.
- B. No building or parts of a building shall be used as a furnished apartment, hotel or motel prior to the person, firm or corporation desiring such use making an application and receiving a license to be issued by the Director in accordance with the provisions of §§ 254-83 through 254-87 of this article.
- C. A license shall be issued only for buildings meeting the requirements of this chapter and to the person desiring actually to use the building as a hotel, furnished apartment, motel (or dormitory), and said license shall terminate at any time after its issuance in the event that the use of the building for such purpose shall cease, or the building shall be officially

¹³ Editor's Note: See also N.J.S.A. 55:13B-1 et seq.

declared not to be in compliance with this chapter or other applicable ordinances or rules and regulations thereto.

§ 254-83. License application. [Amended 4-14-1983 by Ord. No. MC-340]

- A. **[Amended 8-13-1997 by Ord. No. 97-052]** The application for a license, as required herein, shall be submitted in triplicate to the Director on forms supplied by the Division of Construction Code Official. The application shall include:
- (1) The name and address of the manager and the name and address of the owner if the manager is not the owner.
 - (2) The location of the establishment subject to licensing, including the street and number of each entrance.
 - (3) The number of units occupied or available for occupancy and the number of persons who may be accommodated in accordance with the occupancy provisions of this chapter and with the provisions of other applicable municipal ordinances and regulations thereof.
 - (4) Such other information as the Director may require.
- B. All applications shall be accompanied by the required fees.
- C. Where the applicant seeks a license for an establishment based on a claim that the same constitutes a lawful nonconforming use, the applicant shall state in the application the names and addresses of the owner and manager of the premises on the date when the use, by reason of the zone change or variance, first became nonconforming, and the number of rooms as of that date.
- D. The application shall be signed by the owner as well as the manager and shall contain a certification of the truth of the information contained therein by both the owner and manager.
- E. Any false information shall constitute a violation of this chapter and, in addition, grounds for revocation of any license approved pursuant thereto.
- F. Any false information rendered knowingly and intentionally may, upon complaint of the Director, subject the party rendering it to criminal prosecution.

§ 254-84. Term of license; renewal. [Amended 4-14-1983 by Ord. No. MC-340]

Except as otherwise provided herein, the term of the license shall be for one year, from March 1 to the last day of February of the next succeeding year, and is renewable annually.

§ 254-85. License fees. [Amended 4-14-1983 by Ord. No. MC-340]

- A. The license fee shall be due and payable on or before March 1 of each year. The license fee for any part of a year shall be the same as the license fee for the entire year.

- B. The license fees shall be as provided in Chapter 160, Fees and Charges. **[Amended 5-24-1995 by Ord. No. 95-045]**
- C. A license shall issue to a hotel upon payment of the fee provided in N.J.S.A. 55:13A-1 et seq.
- D. When a request for a special inspection is made, a fee, the same as the registration fee, shall be charged to the person making the request.

§ 254-86. Procedure upon filing of application.

- A. Before any license is issued for any building for any purposes aforesaid, the Director of Fire and Emergency Services shall receive a statement of the inspection required herein, certifying that the building complies in all respects with the provisions of this chapter.
- B. Upon filing the application, the Director shall immediately transmit the original to the City Clerk and one copy to the Director of Fire and Emergency Services.
 - (1) The original shall be kept on file at all times in the office of the license issuing authority.
 - (2) The Director of Fire and Emergency Services shall have inspections made of all establishments subject to licensing between January 1 and March 1 of each year and then shall take all following actions required to make sure all of these establishments are free from fire hazards and comply with applicable ordinances, rules and regulations for fire prevention and control. Within two weeks after the applications are filed, the Director of Fire and Emergency Services shall indicate officially on each of his or her copies whether or not these buildings and premises for which licenses are sought have been found in compliance with this chapter and all applicable ordinances and rules and regulations and shall return the copies to the Director.
- C. Inspection of the premises for compliance with this chapter and all related chapters administered by the Division of Construction Code Official shall be conducted in accordance with the regulations of the Director. **[Amended 8-13-1997 by Ord. No. 97-052]**
- D. Upon completion of inspections, if the Director shall determine that the premises are in compliance, then the license shall be issued forthwith; provided, however, that if action of the Board of Adjustment is required under the Zoning Ordinance, no license shall be issued except in accordance with Chapter 345, Zoning, of this Code.

§ 254-87. Refusal of license or renewal; revocation or suspension. [Amended 3-24-1988 by Ord. No. C-708]

- A. Notwithstanding the provisions of § 254-86 of this article, the Director may refuse to certify said application for a license where the manager or any person or persons who shall be in active management of the premises shall be found to be unfit to perform the duties thereof by reason of a record of convictions of a crime or offense involving moral turpitude, gambling or prostitution, alcoholism, illegal possession or use of drugs or narcotics, be a known carrier of a communicable disease or otherwise found to be

physically or mentally unfit or unsuited by similar or equivalent circumstances for active management of the premises.

- B. The Director may suspend or revoke a license or refuse said application for a license or renewal thereof where the conduct of the tenants is such as to constitute a general nuisance to the area where the premises are located or where the owner or operator:
- (1) By conduct either unlawful in itself or unreasonable under all the circumstances creates or maintains a condition which endangers the safety or health of the neighborhood or disturbs the peace and tranquillity of the neighborhood.
 - (2) Conducts or maintains a premises where persons gather for purposes of engaging in unlawful conduct.
 - (3) Conducts or maintains any premises as a house of prostitution.
- C. No owner, manager or operator of a hotel or motel shall let any room or rooms more than once between the hours of 6:00 p.m. and 6:00 a.m. the next day except to bona fide travelers with baggage.

§ 254-88. Applicant's right to hearing.

- A. If the Director shall determine that the applicant has failed to meet the requirements of this chapter, the requirements of the Department of Fire and Emergency Services or of any other ordinance of the city or laws of the State of New Jersey or that the applicant is unqualified pursuant to § 254-87 of this article or upon any suspension, revocation or failure to renew a license, the Director shall send a written notice to the applicant setting forth his or her reasons therefor.
- B. The applicant may thereupon correct any violation and apply for reinspection upon the payment of a reinspection fee as provided in Chapter 160, Fees and Charges, or submit a written report for a hearing to the Director in which request the applicant shall state the facts on which he or she will base his or her contention that the Director's determination was in error. [Amended 6-14-1995 by Ord. No. 95-050]
- C. The Director shall, within 30 days from the receipt thereof, provide upon a minimum of five days' notice to the applicant a hearing and render a decision thereon within 10 days thereafter. The Director may in such decision affirm or reverse a previous determination or modify his or her determination and agree to approve said

(Cont'd on page 25463)

application or terminate the suspension or revocation upon compliance with specified conditions.

§ 254-89. Operation without a license prohibited.

On or after January 1, 1969, no person shall as a manager conduct or operate, or cause to be conducted or operated, or as an owner who is not also a manager knowingly allow others to conduct or operate without a license on premises owned by him any establishment subject to licensing.

§ 254-90. Violations and penalties.

- A. Upon determining that the premises are in violation of this chapter, other applicable chapters or any other applicable ordinances of the city or the laws of the State of New Jersey, at any time after a license is issued, the Director shall require correction of said violation within ten (10) days' by notice in writing to the owner and manager.
- B. Upon failure to correct the violation within the time prescribed, the owner and operator shall be liable for the penalties for violations of applicable provisions of the Jersey City Code or ordinances which are prescribed in the general provisions of the Jersey City Code. In addition thereto, the Director may suspend temporarily or conditionally refuse to renew the license issued for the premises for failure to correct the violation as aforesaid; provided, however, that if the owner or manager requests a hearing, no such suspension shall be effective until after a hearing and determination pursuant to § 254-88, which determination shall state reasonable terms and conditions upon which the suspension shall terminate or renewal shall be granted.
- C. Where there has been a violation or conviction within one (1) year from the date of service of notice of violation and the violation shall be repeated or remain unabated resulting in a second notice of violation or conviction thereon in the Municipal Court, the Director may thereafter permanently revoke the license or refuse renewal thereof without conditions or terms.

§ 254-91. Changes in application.

Any license issued hereunder shall cover only the number of occupants and that part of the premises described in the application therefor. Any increase in rooming units or in the number of roomers to be accommodated or of the part of the premises utilized as a lodging house or other structural changes affecting the data contained in the application or change in the person or persons actually in charge of operating or maintaining the premises shall require the submission and filing of an amended application containing the additional information as required by the Director.

§ 254-92. Licenses nontransferable.

The license issued hereunder shall be nontransferable and no person other than the licensee shall operate or be permitted by the owner to operate the licensed premises. Where there is to be a change of ownership or operation, application shall be made for a new license.

§ 254-93. License fees nonrefundable.

The applicant shall not be entitled to any refunds of any fees paid hereunder by reason of the rejection of any application, the suspension or revocation of any license or transfer of ownership or operation of premises prior to the termination of the license period.

§ 254-94. Posting of license.

The licensee shall display the license in a vestibule, front hallway or other prominent and public place at or near the front entrance of the building during the entire period for which the license was issued.

§ 254-95. Effect of licensing on other provisions.

The issuance of a license shall constitute a certification that the premises as of the date of issuance comply with this chapter, but shall not be construed to constitute a certification that the premises comply with any other such applicable provisions of the Jersey City Code or ordinances or any state law nor shall it relieve any other official or public agency from enforcing any such applicable chapter, provisions or laws.

ARTICLE XVI**Apartments, Hotels, Motels and Dormitories****§ 254-96. Register book required.**

- A. All such establishments subject to licensing shall keep a register in which there shall be set forth the name and last permanent address and signature of each occupant, the number of the room to be occupied by each occupant and the name and address of any person or persons to be notified in case of emergency.
- B. Registration under a false name is prohibited.
- C. Said register shall be available at all times to the authorized representative of the Director and the Director of Police.

§ 254-97. Right of Director or Health Officer to ascertain physical or mental limitations of occupants.³⁸

- A. When physician's certificate shall be required. Where the Director or Health Officer has reason to believe that an occupant of an establishment subject to licensing other than a state-licensed nursing home or housing for the elderly either requires special care or is disabled, the Director may require that the person produce within forty-eight (48) hours a physician's certificate attesting to the mental or physical condition of said person as it relates to the category in which the occupant is classified.
- B. Grounds for having occupant relocate. If the Director or Health Officer shall determine that said occupant of an establishment subject to licensing requires special care or is disabled and is prohibited, therefore, from residing in any lodging house or in any boardinghouse other than state-licensed nursing homes or housing for the elderly, then said person shall vacate the premises and relocate in a suitable and appropriate establishment no later than five (5) days after the issuance of an order directed to the owner or manager and to the occupant thereof, and if the condition of the person or circumstances under which he or she resides requires immediate attention, the order shall so specify and a period of less than five (5) days may be prescribed therefor.

§ 254-98. Occupancy by unemancipated minors prohibited.

The occupancy of any rooming unit in an establishment subject to licensing by an unemancipated minor is hereby prohibited and the manager and occupant of the premises in which such occupancy occurs shall be liable hereunder.

§ 254-99. Overcrowding.

Occupancy in excess of the maximum occupancy permitted under § 254-36 of Article VII or the occupancy data set forth in the application under § 254-83 of this Article is prohibited.

§ 254-100. Sanitary conditions; general maintenance.

- A. Bathroom and water closet facilities required.
- (1) Bathroom or bathrooms, which affords privacy to a person inside said room; contains a bathtub or shower, wash basin and flush water closet; and complies with such other requirements as are set forth elsewhere in this Code shall be supplied for each six (6) persons or fraction thereof residing within a lodging house or boardinghouse; except that in an establishment subject to licensing where rooms are let only to males, flush urinals may be substituted for not more than one-half ($\frac{1}{2}$) the required number of water closets.
 - (2) All such facilities shall be so located within the dwelling as to be directly accessible from a common hall or passageway which is either on the same floor as, or is one (1)

³⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

floor above or below, all rooming units it is designed to serve and which hallway is directly accessible to the occupants of all such rooming units without passing through any part of any other rooming unit or dwelling unit.

- (3) All bathrooms and water closet compartments shall be provided with inside locks.
- B. Bedding, bed linen, towels and soap required. Every manager shall provide for all occupants' bedding, mattresses, mattress covers, bed linens, blankets, pillows, towels and soap. All such items shall be kept in clean and sanitary condition at all times. Fresh, clean bed linens and towels shall be supplied for each new occupant at the commencement of the term of occupancy and fresh, clean bed linens and towels shall be supplied at least once a week. Unless laundry service is provided for all occupants, a laundry tub or washing machine shall be accessible to and available for use by all occupants.
- C. Furniture and furnishings. All furniture and furnishings shall be maintained in safe and sound condition, in good repair, and upholstery and coverings shall be kept clean and free of rips and tears. Windows shall be provided, where necessary, with blinds, draw drapes, curtains or shades to provide occupants with privacy.
- D. Person in charge of the premises. There shall be present and in charge of every establishment subject to licensing a person who is mentally and physically competent to maintain the same in safe and sanitary condition, who shall keep the exterior of the premises and all common interior areas, including but not limited to the landings, stairways, hallways and bathrooms, clean, free from garbage and other refuse and free of infestation and who shall attend to the daily removal of garbage as required under § 254-45B(24) of Article IX.

§ 254-101. Safety and fire prevention.

A. Hotels; fire protection.

- (1) Requirements. No license shall issue for the use of any building as a hotel unless the building complies with the requirements of N.J.S.A. 29:1-8 et seq.³⁹ and with this chapter in the following respects:
- (a) Fire escapes shall conform to the Tenement House Laws of the State of New Jersey in buildings subject to such laws, and a red light on the passageway or doorway leading to the fire escape shall be lighted at all times and doors leading to such fire escapes shall be unlocked from the inside at all times.
- (b) Every community kitchen shall have one (1) unit Class B extinguisher as classified by the American Insurance Association.
- (c) There shall be installed and maintained by the owner in every bedroom above the first floor in any building not subject to the Tenement House Laws a portable fire escape approved by a nationally recognized organization of the Director of Fire and Emergency Services, securely fastened to the inside of said bedroom, with

³⁹ Editor's Note: N.J.S.A. 29:1-8 was repealed by L. 1967, c.76, § 28. See now N.J.S.A. 55:13A-1 et seq. for similar provisions.

painted instructions as to its proper use on the metal cover of the box or container. When webbed or rope portable fire escapes are used, the date of installation shall be stamped on each portable fire escape and the fire escape shall not be continued in service for a period of more than ten (10) years from the date of installation. However, the use of all portable fire escapes shall be subject to the findings revealed by periodic examination conducted by the Department of Fire and Emergency Services, and should such examination reveal any condition hazardous to the safety of the occupants, said portable fire escapes shall immediately be replaced by the owner with portable fire escapes as described above.

- (d) Portable fire escapes shall not be used when the window sill is more than thirty (30) feet above the ground or grade level. The Director of Fire and Emergency Services may grant a variance of this section with the approval of the Director, but in no case to exceed more than thirty-five (35) feet. Each request for variance shall be in writing.
 - (e) There shall be placed on each floor one (1) unit of Class A extinguisher for every four (4) sleeping rooms or part thereof. If on two (2) successive floors there are four (4) sleeping rooms, one (1) unit Class A extinguisher shall be placed on the lower of said two (2) floors, but, however, it shall be unlawful to install, service or use a vaporizing liquid extinguisher in any building operated as a hotel, rooming house, lodging house, boardinghouse, furnished apartment, motel or dormitory.
 - (f) The Director of Fire and Emergency Services, with the consent and approval of the Director, may, in addition to the foregoing minimum requirements, require such other fire protection to such buildings as he or she may deem reasonably necessary for the safety of the occupants thereof.
- (2) Enforcement. The authority and duty to carry out the provisions of this section shall be vested in the Director of Fire and Emergency Services and the Director, but the Director of Fire and Emergency Services shall act only subject to the consent and approval of the Director, who shall appoint inspectors of hotel fire safety who shall be uniform members of the Department of Fire and Emergency Services, and who shall legally constitute a Division of the Department of Fire and Emergency Services to be known and designated as the Hotel and Rooming House Bureau, and to which Hotel and Rooming House Bureau and the Director of Fire and Emergency Services and the Director may delegate the authority necessary to carry out the provisions of this section.
- B. Fire alarm system. Every establishment subject to licensing shall be provided with a fire alarm system or device approved by the Underwriter's Laboratories, Inc., or by such other laboratories qualified and equipped for the testing of fire protection equipment of materials as approved by the Director of Fire and Emergency Services. The system or device required hereunder shall be maintained in good working order at all times. The alarm shall be provided with a heat-operated device which will automatically set off the fire alarm system and shall be operated by electrical or by self-contained automatic means. Alarm-sounding devices provided shall be distinctive in pitch and of such quality and so

distributed on every floor that they shall be effectively heard in case of fire in every room above the usual sound level. Periodic testing shall be required in accordance with regulations of the Director approved by the Director of Fire and Emergency Services and/or any authorized and approved inspection agency.

- C. Directional signs. Every licensed establishment shall have exit signs posted in common hallways, visible from the door of every rooming unit, and these signs shall indicate the direction of the location of the nearest means of egress. All such signs shall be of a size and color and be illuminated in accordance with the regulations of the Director of Fire and Emergency Services.
- D. Stairway doors to be self-closing. Whenever there are doors or framework for doors which would close off sections of the stairway from common hallways, areaways or other parts of the stairway, such doors shall be equipped with self-closing devices or such framework shall be equipped with doors having self-closing devices.
- E. Storage of combustible materials. Storage of combustible materials and temporarily used or unused household furnishings, bedding, mattresses and similar articles only shall be permitted in enclosed fireproof compartments. Storage area shall, as of the effective date of this chapter, comply with § 254-45B(25) of Article IX, notwithstanding the date set forth herein for licensing.
- F. Disposal of combustible materials. All combustible materials shall be disposed of in self-closing metal cans which shall be provided where needed on the premises for that purpose.

§ 254-102. Community cooking prohibited.⁴⁰

Community cooking is prohibited, except for cooking performed by the owner or manager or his or her employees for occupants in nursing homes.

§ 254-103. Nightlights.

Nightlights shall be provided in all common areaways leading to bathrooms, as well as in hallways, in compliance with § 254-23B(3).

§ 254-104. Central heating.

There shall be central heating in all establishments subject to licensing, which shall supply adequate heat as required under § 254-27A(1) of Article VI to all occupied rooming units and to all bathrooms.

⁴⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 254-105. Service of food.

Where food is served in any establishment subject to licensing, the license therefor and the maintenance of the establishment, pursuant to the license, shall be subject to the regulations and requirements of Chapter 182, Health and Sanitation, as well as to this chapter.

§ 254-106. Nursing homes.⁴¹

- A. Fireproof construction. All nursing homes shall be of fireproof construction.
- B. Violations. All nursing homes shall comply with state laws, and any violation of such laws or regulations thereunder shall constitute a violation of this chapter.

ARTICLE XVII
Inspection and Status Reports

§ 254-107. Application for inspection.

Whenever an owner, manager, occupant, prospective purchaser, mortgagee or prospective occupant shall apply to the Director of Housing Code Enforcement for an inspection in order to ascertain if any section of this chapter has been violated, the Chief shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate of the inspection to the applicant, indicating therein any violations of this chapter on the premises. The applicant for such inspection shall state in writing his or her full name, residence and the reasons and basis for which the inspection is requested. The Chief may deny the application for failure to comply with this requirement.

§ 254-108. Application for status report.

Where, in lieu of inspection, an owner, manager, occupant, lessee, prospective purchaser, mortgagee or prospective occupant request a status report as to whether or not there are any known violations presently pending on said premises, upon payment of the fee prescribed herein, a copy of any notice or order on any violation then pending shall be sent to the applicant.

§ 254-109. Scope of reports.

- A. No inspection report issued under § 254-107 of this Article or status report under § 254-108 of this Article shall be construed as providing a defense against any violation of this chapter or any other ordinance of the city which may be discovered thereafter, whether or not the condition or violation existed at the time of any such inspection or status report.
- B. The inspection or status report is provided as a convenience to the public and shall not constitute a limitation on the full enforcement of this chapter.

⁴¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 254-110. Inspection and status report fees. [Amended 4-14-1983 by Ord. No. MC-340; 10-11-1985 by Ord. No. C-59⁴²]

- A. The fee for any inspection made under § 254-107 of this Article shall be as provided in Chapter 160, Fees and Charges.
- B. The fee for any status report issued under § 254-108 shall be as provided in Chapter 160, Fees and Charges.
- C. Informational certificates issued under § 254-107 shall be valid for a period of thirty (30) days.

**ARTICLE XVIII
Nuisances**

§ 254-111. Declaration of nuisances; abatement.

Nothing in this chapter shall be construed or interpreted to in any way impair or limit the authority of the Chief to define and declare nuisances and to cause the removal or abatement of nuisances by appropriate proceedings provided by law.

**ARTICLE XIX
Violations and Penalties**

§ 254-112. Violations and penalties. [Amended 1-23-1986 by Ord. No. C-150⁴³]

Anyone found guilty of violating any section of this chapter shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, § 1-25. Additionally, anyone found guilty of violating § 254-27 (heating facilities and duty to supply heat), shall be punished by a minimum fine of at least one hundred dollars (\$100.).

§ 254-113. Meaning of each violation.

Each violation of a section or subsection of this chapter shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this chapter. Each day's failure to comply with any such section or subsection shall constitute a separate violation.⁴⁴

⁴² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴⁴ Editor's Note: Original Sec. 13-109, entitled "Additional penalty for second violation." which followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 254-114. Application for officers or agents.

Where the defendant is other than a natural person or persons, § 254-113 of this article shall also apply to any agent, superintendent, officer, member or partner who shall alone or with others have charge, care or control of the premises.

§ 254-115. Removal of posted orders.

No person, firm or corporation, without written consent of the Chief, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this chapter.

§ 254-116. Occupancy of unfit buildings. [Amended 6-14-1995 by Ord. No. 95-050]

When the Director of The Division of Construction Code Official finds that a dwelling is unfit for human habitation within the meaning of this chapter and has notified the owner to such effect and the time limit set by the Director of The Division of Construction Code Official for the correction of defects or vacating the same has expired, no person shall receive rentals, offer for rent or occupy said dwelling unit as a human habitation, and each day such offense continues shall be deemed a separate offense and the violator shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, § 1-25.

§ 254-117. Drainage or removal facilities. [Amended 6-14-1995 by Ord. No. 95-050]

No person shall damage, mutilate or remove, nor shall any person suffer, permit or cause to be mutilated, damaged or removed from or in a dwelling unit any of the facilities referred to in this chapter. Any person violating this section of this article shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, § 1-25.

§ 254-118. Unpaid fine to become lien.

In the event of the imposition of a fine or penalty by the Municipal Court or any other court of competent jurisdiction against the owner, manager or lessor of any building or structure in the city required to be registered, pursuant to Article XIV herein, for violation of any provision of this chapter or applicable provisions of other chapters of the New Jersey Code, or any state law applicable to the city, the fine or penalty shall be collectible pursuant to the procedures for the appointment of a Receiver, in addition to any other remedies now provided by law.

ARTICLE XX**Portable Oil-Fired Heating Devices
[Added 10-16-1979 by Ord. No. S-299]****§ 254-119. Unlawful acts.**

- A. It shall be unlawful to use in any residence or building in this city any portable oil stove, range or appliance or any other portable oil-fired heating device.

- B. It shall be unlawful to sell or offer to sell any such portable oil stove, range or appliance or other portable oil-fired heating device for use in any residence or building in this city.

§ 254-120. Violations and penalties. [Amended 6-14-1995 by Ord. No. 95-050]

Any person violating the provisions of this Article XX shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, § 1-25. For each day of use of such portable oil heating device, it shall be considered as a separate offense. Each sale of such portable oil heating device shall be considered as a separate offense.

ARTICLE XXI

Registration of Nonresident Property Owners¹
[Added 1-14-1998 by Ord. No. 97-097]

§ 254-121. Registration required.

An owner of real property situated within the City of Jersey City shall register with the City Clerk the street address of his or her residence whenever that owner does not reside at the property, in the case of residential premises, or does not operate a business at the property, in the case of commercial property.

§ 254-122. Definitions.

The following terms shall have the meanings indicated when used in this article:

REAL PROPERTY — Any type of real estate, including commercial or residential, improved or unimproved lots, single-family homes, multiple dwellings and property held in any manner, including fee simple, condominium or cooperative forms of ownership.

STREET ADDRESS — The address at which the person actually resides and shall include a street name or rural delivery route in addition to any postal office box number which may be included.

§ 254-123. Time for compliance.

- A. Owners of property subject to this article shall have 60 days from the effective date of this article to register in accordance with § 254-121.
- B. Nonowners who acquire property in the City of Jersey City after the effective date of this article shall have 30 days from the date of acquisition to register in accordance with § 254-121.

¹ Editor's Note: See P.L. 1997, c. 85, an act authorizing municipalities to require address registration by certain property owners (codified in N.J.S.A. 40:48-2.53).

§ 254-124

PROPERTY MAINTENANCE

§ 254-124

§ 254-124. Violations and penalties.

Any nonresident property owner who fails to comply with this article shall be subject to the penalties proscribed in § 1-25.

City Clerk File No. Ord. 04-071
Agenda No. 3.E 1st Reading
Agenda No. 4.E 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 04-071

TITLE:

ORDINANCE AMENDING CHAPTER 160 (FEES AND CHARGES) OF THE JERSEY CITY CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

A. The following amendments to Chapter 160 (Fees and Charges) of the Jersey City Code are hereby adopted:

Chapter 160 FEES AND CHARGES

§ 160-1. Fee schedule established.

Fees shall be as follows:

X. Chapter 254, Property Maintenance.

- (1) License fees, in addition to the fees provided in N.J.S.A. 55:13A-1, et seq.
 - (a) Furnished apartments: seventy-five dollars (\$75.), plus ten dollars (\$10.) for each apartment.
 - (b) Motels, hotels, etc.: one six hundred fifty dollars (\$150) (\$600), plus ten forty dollars (\$10) (\$40) per room.
- (2) Reinspection fee: ten twenty-five dollars (\$10) (\$25).
- (3) Inspections made under Sec. 254-107.
 - (a) For an inspection and two (2) additional re-inspections, if necessary, for dwellings of two (2) units or less: forty eighty dollars (\$40) (\$80).
 - (b) For an inspection and two (2) additional re-inspections, if necessary, for each dwelling unit in excess of two (2): ten twenty-five (\$10) (\$25).
 - (c) For the third re-inspection and any additional re-inspections, per rooming unit: twenty forty (\$20) (\$40).

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

4 0 0 3 1 3 5

- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: New matter is underlined; deleted matter in [brackets]

For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

APPROVED: _____

APPROVED: _____

James O. Kelly
 Business Administrator

No 4 0 0 3 1 3 5

APPROVED AS TO LEGAL FORM

[Signature]
 Corporation Counsel

Certification Required
 Not Required

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 04-071
 TITLE: 3.E. JUN 23 2004 4.E. JUL 14 2004
 Ordinance amending Chapter 160 (Fees & Charges) of the Jersey City Code.(Property Maintenance).



RECORD OF COUNCIL VOTE ON INTRODUCTION JUN 23 2004 8-0													
COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.
BRENNAN	✓				GAUGHAN	✓				HEALY	✓		
DONNELLY	✓				MALDONADO	ABSENT				VEGA	✓		
LIPSKI	✓				RICHARDSON	✓				SMITH, PRES.	✓		

✓ Indicates Vote N.V.—Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUL 14 2004 7-0													
Councilperson <u>MALDONADO</u>				moved, seconded by Councilperson <u>DONNELLY</u>				to close P.H.:					
COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.
BRENNAN	✓				GAUGHAN	ABSENT				HEALY	✓		
DONNELLY	✓				MALDONADO	✓				VEGA	✓		
LIPSKI	✓				RICHARDSON	ABSENT				SMITH, PRES.	✓		

✓ Indicates Vote N.V.—Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY													
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted					
COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.
BRENNAN					GAUGHAN					HEALY			
DONNELLY					MALDONADO					VEGA			
LIPSKI					RICHARDSON					SMITH, PRES.			

✓ Indicates Vote N.V.—Not Voting (Abstain)

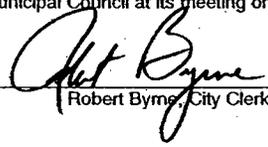
RECORD OF FINAL COUNCIL VOTE JUL 14 2004 7-0													
COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.		COUNCILPERSON	AYE	NAY	N.V.
BRENNAN	✓				GAUGHAN	ABSENT				HEALY	✓		
DONNELLY	✓				MALDONADO	✓				VEGA	✓		
LIPSKI	✓				RICHARDSON	ABSENT				SMITH, PRES.	✓		

✓ Indicates Vote N.V.—Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 23 2004

Adopted on second and final reading after hearing on JUL 14 2004

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 14 2004


 Robert Byrne, City Clerk

APPROVED: 
 L. Harvey Smith, Council President / ACTING MAYOR

Date JUL 14 2004

*Amendment(s):

APPROVED: _____

Date _____

Date To Mayor _____