

CHAPTER XIV HOUSING*

14-1 TITLE, POLICY AND PURPOSES.

14-1.1 Title.

This chapter shall be known as "The Housing Code of the Township of West Orange," and may be referred to in this chapter in the short form as the Code. (1972 Code § 16-1.1)

14-1.2 Findings and Declaration of Policy.

It is hereby found and declared that there exists in the Township structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance, or further that such conditions including but not limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of essential heating, plumbing, storage or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, unsanitary conditions and overcrowding, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the Township. It is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

It is further found and declared that by reason of the peculiar and special conditions existing in lodging houses, boarding houses and nursing homes as herein defined, the licensing and regulation of same is necessary so that the regulations may be better enforced in the public interest for the protection of health, safety and welfare of the public to prevent slum and blighted conditions from expanding in the Township and for the social and economic stability of the Township. (1972 Code § 16-1.2)

14-1.3 Purposes.

The purpose of this Code is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and non-residential premises, to establish minimum standards covering utilities, facilities and other physical components and conditions essential to make the facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators, and distinct and separate responsibilities and duties upon occupants to require the licensing and regulation of lodging houses, boarding houses and nursing homes; to authorize and establish procedures for inspection of residential and nonresidential premises; to fix penalties for the violations of this Code; to provide for the right of access across adjoining premises to permit repairs; and to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use. This Code is hereby declared to be remedial and essential for the public interest and it is intended that

***Editor's Note:** The power to adopt a Housing Code is contained in N.J.S.A. 40:49-5.1 et seq.

this Code be liberally construed to effectuate the purpose as stated herein. (1972 Code § 16-1.3)

14-2 DEFINITIONS.

14-2.1 Meaning of Certain Words.

The following terms wherever used in this Code shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Accessory structure shall mean any structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

Basement shall mean the portion of the building that is partly underground which has more than one-half (1/2) of its height, measured from clear floor to ceiling above the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the pitching, pits or trenching.

Bathroom shall mean an enclosed space containing one (1) or more bathtubs, showers, or both, and which shall also include toilets, lavatories, or fixtures serving similar purposes.

Boarding house shall mean any dwelling unit in any zoning district in which any room is offered for rent or lease.

Building shall mean a combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

Building Code shall mean the Building Code of the Township of West Orange.

Cellar shall mean the lowermost portion of the building partly or totally underground, having half (1/2) or more of its height measured from clear floor to ceiling below the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.

Central heating system shall mean a heating system in a fire resistant enclosed space or spaces, separate and apart from the area to be heated, which system is permanently affixed on a fireproof base and connected by breaching to a stack in accordance with the Building Code. Direct electric or gas heating systems without the use of a boiler, serving all dwelling units in a structure, are exempt from the above requirements.

Community kitchen shall mean kitchen facility shared by occupants of one (1) or more rooming units or dwelling units.

Deterioration shall mean the condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

Disabled person shall mean any person who by reason of his or her physical or mental condition is not sufficiently ambulatory, or otherwise by reason of physical or mental incapability, to reach or use the two (2) means of egress most accessible to his or her

living quarters without assistance and with reasonable facility, or who is unable to attend to his or her daily personal and bodily needs.

Dwelling shall mean a structure, or part of a structure, arranged, intended or designed to be occupied as a residence.

Dwelling unit shall mean a single unit providing facilities for one (1) or more persons including provisions for living, sleeping, eating, cooking, and sanitation.

Emancipated minor shall mean any person under the age of eighteen (18) years of age who is gainfully employed and self-supporting or who is married to a spouse who is gainfully employed and who supports the minor, or who is a student living away from home and in regular attendance at an institution of higher learning.

Establishment subject to licensing shall mean any lodging house, boarding house or nursing home which is required to be licensed pursuant to this Code.

Exposed to public view shall mean any premises, or part thereof, or any building or any part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, licensed open air parking lot or from any adjoining or neighboring premises.

Exterior of the premises shall mean open space on the premises outside of any building thereon.

Extermination shall mean the control and elimination of insects, rodents and vermin by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, trapping or by other approved means of pest elimination.

Family. (See *Immediate family.*)

Fire Chief shall mean the Fire Chief of the Township of West Orange.

Fire hazard shall mean:

- a. Any device or condition likely to cause fire and which is so situated as to endanger either persons or property.
- b. The creation, maintenance or continuance of any physical condition by reason of which there exists a use, accumulation or storage of combustible or explosive material sufficient in the amount or so located or in such a manner as to put in jeopardy, in event of ignition, either persons or property.
- c. The obstruction to or of fire escape ladders which may be used as escape stairways, aisles, exits, doors, windows, passageways or halls, likely in the event of fire to interfere with the operations of the Fire Department or of the safety and ready egress of occupants.
- d. The violation of any rule now or hereafter promulgated by the Fire Department, or the Township.

Floor area, superficial shall mean the net floor area, within the enclosing walls of the room, excluding built-in equipment such as wardrobes, cabinets, kitchen units or fixtures which are not readily removable and excluding the floor area where the floor to ceiling height is less than seven (7) feet.

Garbage (See also *Refuse, Rubbish*) shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable rooms shall mean rooms used or designed for use by one (1) or more persons for living or sleeping or cooking and eating, but not including bathrooms, water closet

compartments, laundries, serving and storage pantries, corridors, foyers, vestibules, cellars, heater rooms, boiler rooms, utility rooms, and other rooms or spaces that are not used frequently or for an extended period of time or that have less than fifty (50) square feet of superficial floor area shall not be considered as habitable rooms.

Health Officer shall mean the Health Officer of the Township of West Orange.

Hotel shall mean any building kept, maintained, advertised as, or held out to be a place where sleeping accommodations are supplied for pay to transient or permanent guests in which fifteen (15) or more rooms are rented furnished or unfurnished, including any room found to be arranged for or used for sleeping purposes, with or without meals, for the accommodation of such guests, or every building, or part thereof, which is rented for hire to thirty (30) or more persons for sleeping accommodations. There shall not be included rooms which are physically a part of a self-contained and enclosed dwelling unit. This definition shall not be construed to include any building defined as a tenement house pursuant to Title 55 of the Revised Statutes of New Jersey, or any amendments now or hereafter enacted thereto.

Housing inspectors shall mean all officials, officers or employees of the Township entrusted with the enforcement of this Code.

Immediate family shall mean the head of the family, spouse, the parents and the children (including adopted children) of either the head of the family or spouse. There shall be a rebuttable presumption that three (3) or more persons occupying any dwelling unit or rooming unit are not related to one another so that any two (2) or more shall be members of an immediate family, and the burden of proving such relationship shall be on the person or person asserting it.

Incidental cooking shall mean cooking facilities containing no more than two (2) plates or burners not exceeding six (6) inches in diameter.

Independent rooming unit shall mean a rooming unit in other than a single family dwelling which opens directly to the exterior of the premises by way of a common hallway, common areaway or common stairway or door to the exterior of the premises without passing through any other rooming unit or dwelling unit.

Infestation shall mean the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

Kitchen shall mean any room or part of a room used for cooking or the preparation of food.

Lodging house shall mean any dwelling, whether furnished or unfurnished, in which there are one (1) or more independent rooming units where there are sleeping accommodations for occupancy or available for occupancy by four (4) or more persons, and where there is no agreement between the operator and any occupant for feeding, personal care or special supervision or attention, except that hotels as defined by N.J.S.A. 29:1-11 containing fifteen (15) or more rooms or accommodating thirty (30) or more persons shall be excluded therefrom.

Mixed occupancy shall mean any building containing one (1) or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses or as a hotel.

Nuisance shall mean:

- a. Any public nuisance known at public law or in equity jurisprudence, or as provided by the Statutes of the State of New Jersey, or the ordinances of the Township.

- b. Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is 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.
- c. Physical conditions dangerous to human life or detrimental to health of person on or near the premises where the conditions exist.
- d. Overcrowding of a room with occupants in violation of this Code.
- e. Insufficient ventilation or illumination in violation of this Code.
- f. Inadequate or unsanitary sewage or plumbing facilities in violation of this Code.
- g. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this Code.
- h. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- i. Fire hazards.

Nursing home shall mean any building in which two (2) or more disabled persons are housed for purposes of care, special attention, treatment or supervision, and are housed for such purposes overnight or longer, but dwellings where not more than two (2) disabled persons live with members of their families to whom they are related by blood or marriage, shall be excluded therefrom.

Occupant shall mean any person living, sleeping, or having actual possession of a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

Owner shall mean any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by the lessee.

Person requiring special care shall mean 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 shall mean all of the following supplies, facilities and equipment: gas, pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with air conditioning equipment.

Premises shall mean a lot, plot or parcel of land including the buildings or structures thereon.

Public Officer shall mean the Planning Director of the Township or such other person as the Town Council may specifically designate and such other officials as the Public Officer may designate to act in his/her behalf.

Refuse (See also *Garbage, Rubbish*) shall mean all putrescible and nonputrescible solid wastes (except body wastes), including but not limited to: garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and side market and industrial wastes.

Registered mail shall mean registered mail or certified mail.

Room shall mean space in an enclosed building or space set apart by a partition or partitions, and any space in a building used or intended to be used as a bedroom, dining room, living room, kitchen, sewing room, library, den, music room, dressing room, enclosed sleeping porch, sun room, party room, recreation room, breakfast room, study, storage room and similar uses.

Rooming house. (See definition of *Lodging house* and *Boarding house.*)

Rooming unit shall mean a group of rooms forming a single habitable unit other than a dwelling unit, which is rented or available for rent for sleeping purposes, with or without cooking facilities.

Rubbish (Also see *Garbage, Refuse*) shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Sanitary sewer shall mean any sanitary sewer owned, operated and maintained by the Township and available for public use for the disposal of sewage.

Sewage shall mean waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

Single family dwelling shall mean any dwelling containing one (1) and only one (1) dwelling unit, but which may contain in addition thereto one (1) rooming unit with incidental cooking facilities.

Sleeping room shall mean any room within a dwelling unit which contains a bed and/or other furniture which is or may be used by persons for sleeping.

Smoke detector whenever used in this chapter shall mean a fire alarm device capable of sensing visible and invisible particles of combustion providing an alarm suitable in all sleeping areas.

Story shall mean 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 shall be that portion of a building, included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Structure shall mean any combination of any materials, whether fixed or portable, forming a construction, including buildings.

Superficial floor areas. (See *Floor area, superficial*).

Ventilation shall mean supply and removal of air to and from any space by natural or mechanical means.

Ventilation, mechanical shall mean ventilation by power-driven devices.

Ventilation, natural shall mean ventilation by opening to outer air through windows, skylights, doors, louvres, or stacks with or without wind-driven devices.

Washrooms shall mean enclosed space containing one (1) or more bathtubs, showers, or both, and which shall also include toilets, lavatories or fixtures serving similar purposes.

Water closet compartment shall mean enclosed space containing one (1) or more toilets which may also contain one (1) or more lavatories, urinals and other plumbing fixtures.

Weathering shall mean deterioration, decay or damage caused by exposure to the elements.

(1972 Code §§ 16-2.62, 16-20.1; Ord. No. 579-80 § 1; Ord. No. 1456-97 § 1; Ord. No. 1637-99 § 1; Ord. No. 1690-00 § 1; Ord. No. 1827-02 § 1)

14-3 APPLICABILITY.

Every residential and nonresidential building and the premises on which it is situated in the Township, used or intended to be used for dwelling, commercial business or industrial occupancy shall comply with the provisions of this Code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this Code, 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 Code. This Code 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 Section 14-4. Where there is mixed occupancy, residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this Code. (1972 Code § 16-3)

14-4 HIGHER STANDARD TO PREVAIL.

In any case where the provisions of this Code impose a higher standard than set forth in any other ordinances of the Township or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this Code impose a lower standard than any other ordinances of the Township or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail. (1972 Code § 16-4)

14-5 ISSUANCE AND RENEWAL OF PERMITS AND LICENSES.

After September 15, 1964, all licenses and permits shall be issued upon compliance with this Code as well as compliance with Chapter V under which licenses and permits are granted. (1972 Code § 16-5)

14-6 ENFORCEMENT AND COMPLIANCE WITH OTHER ORDINANCES.

No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other ordinance of the Township applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant

from complying with any such other provision, nor any official of the Township from enforcing any such other provision. (1972 Code § 16-6)

14-7 CONTRACT NOT TO ALTER RESPONSIBILITIES.

Unless expressly provided to the contrary in this Code, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, as defined in Sections 14-8 and 14-9, shall not be altered or affected by any agreement or contract by and between them or between them and other parties. (1972 Code § 16-7)

14-8 DUTIES AND RESPONSIBILITIES OF OWNER AND OPERATOR.

Owners and operators shall have all the duties and responsibilities defined in this section and the regulations promulgated pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof. (1972 Code § 16-8)

14-8.1 Maintenance of Exterior of Premises.

- a. *Hazards and Unsanitary Conditions.* The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions; and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:
 1. Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.
 2. Natural Growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
 3. Overhangings. Loose and overhanging objects, and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.
- b. *Ground Surface Hazards of Unsanitary Conditions.* Holes, excavations, breaks, projections, obstructions, and excretion of pets and other animals on paths, walks, driveways, parking lots, and parking areas and other parts of the premises which are easily accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced, and other conditions removed where necessary to eliminate hazards or unsanitary conditions. Regarding the removal of accumulated snow or ice on private property from paths, walks, driveways, parking lots and parking areas used by pedestrians and automobiles a summons may be issued where the snow or ice remains uncleared within eight (8) hours of daylight after the termination of snowfall.
- c. *Recurring Accumulations of Storm Water.* Adequate run-off drains shall be provided and maintained to eliminate any such recurrent or excessive accumulation of storm water.
- d. Sources of Infestation.

- e. *Foundation Walls.* Foundation walls shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.
- f. *Chimneys and All Flue and Vent Attachments Thereto.* Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight, and capable of withstanding the action of flue gases.
- g. *Exterior Porches, Landings, Balconies, Stairs and Fire Escapes.* Exterior porches, landings, balconies, stairs and fire escapes shall be provided with bannisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free from defects.
(1972 Code § 16-8.1; Ord. No. 1690-00 § 3)

14-8.2 Appearance of Exterior of Premises and Structures.

- a. *Residential and Nonresidential.* The exterior of the premises, the exterior of dwelling structures and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings 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 Township 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 of the neighborhood with the accompanying diminution of property values including the following:
 1. *Storage of Commercial and Industrial Material.* There shall not be stored or used at a location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial uses unless permitted under the Zoning Ordinance for the premises.
 2. *Landscaping.* Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the neighborhood.
 3. *Signs.* All signs shall be maintained in good repair and printed matter, pictures or illustrations contained thereon shall be completely maintained or when no longer in use completely removed.
 4. *Reconstruction of Walls and Sidings.* All reconstruction of walls and sidings shall be of standard quality and appearance commensurate with the residential character of the properties in the same block and on both sides of the street on which the premises front, such 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. *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. They 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 and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences. No structure, or part thereof, shall be boarded up or otherwise kept in a state of disrepair.

6. 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 of premises occupied by a dwelling or hotel except on driveways and parking areas constructed and installed in compliance with applicable Township ordinances and not less than three (3) feet from the interior front sidewalk line adjacent to those premises.
- b. *Nonresidential.* The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon 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 Township 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 including the following:
1. Landscaping. Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and free from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.
 2. Signs and Billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations as a lawful non-conforming use shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of repair, all nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed.
 3. Windows. All windows shall be left uncovered and shall not be opaque to the public view. All windows exposed to public view shall be kept clean and free of marks or foreign substances. No stock or inventory shall be permitted in the window display area. All screening of interiors shall be maintained clean and in a good state of repair. Under extraordinary circumstances and with the advance written permission of the Director of the Planning Department certain areas of the window may be screened from the public view.
 4. All tenants or property owners occupying the street level of a commercial property shall be responsible to sweep and clean all sidewalks and brick pavers in front of their establishment so that they remain free of litter, debris, graffiti, oil, cigarette butts, gum, newspapers, refuse, and all garbage. In order to maintain or restore the level of cleanliness needed, power washing may be needed. Those tenants/owners on a corner shall be responsible for sidewalks and brick pavers on all sides as described above. If there is not a ground level tenant, or if the entire building is vacant, the property owner shall be responsible for maintenance of the sidewalks, brick pavers and landscaping as described in this subsection.

Any trees or landscaping in front of the establishment shall be watered, pruned and maintained. Landscaping shall not be removed or replaced with gravel, asphalt or wood chips.

5. Signs or Advertisements; Removal. Except for "For Rent" signs, any temporary sign or other paper advertising material glued or otherwise attached to a window

or windows or otherwise exposed in 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, whichever shall occur sooner.

Except during the course of repairs or alterations, no more than thirty-three and one-third (33 1/3%) percent of the square footage of any single window or single window display area shall be devoted to signs or other temporary advertising material attached to the window or windows or otherwise exposed to public view.

6. Awnings and Marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event the awnings or marquees are made of cloth, plastic, or of similar materials, the cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.
(1972 Code § 16-8.2; Ord. No. 1573-98 § 1; Ord. No. 1715-00 §§ 1, 2; Ord. No. 1727-00 § 1)

14-8.3 Structural Soundness and General Maintenance, Exterior.

- a. *Residential.* Every dwelling and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including:
 1. Exterior Walls, Sidings and Roofs. Exterior walls, siding and roofs shall be kept structurally sound, in good repair and free from defects.
 2. Painting and Other Protective Coating. All exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration.
 3. Power Sanding. Unconfined power sanding by any person, including but not limited to homeowners or painting contractors on any exterior surface (public or private) within the Township of West Orange shall be forbidden. Unconfined power sanding shall mean the use for the removal of paint by electric or hydraulic powered sanding tools that do not have attachments that while sanding paint simultaneously vacuums dust and chips into a HEPA-filtered vacuum device and otherwise contain and control chips and dust from being released into the environment.

The following safety measures during electric or hydraulic power sanding must be followed:

- (a) Workers must wear proper respirators.
- (b) Workers must wear protective coveralls.
- (c) All sanding is prohibited if winds are more than fifteen (15) mph.
- (d) Two (2) layers of plastic drop cloths must be placed on the ground and bushes, each being a minimum of three (3) millimeters thick.

- (e) Plastic drop cloths must extend five (5) feet from the base of the house and additional three (3) feet for each story.
 - (f) During the preparation stage, all windows and appropriate doors must be taped.
 - (g) At the end of the day, the plastic drop cloths must be rolled to capture the waste. The drop cloths and waste must be discarded into a plastic bag one layer at a time. The plastic bag must be a minimum of three (3) millimeters thick.
4. Weather and Water-Tightness. Every dwelling shall be so maintained as to weather and water-tight.
 5. Exterior Walls, Roofs, etc. Exterior walls, roofs, windows, window frames, doors, door frames, foundations and other parts of the structure shall be so maintained as to keep water from entering the structure and to prevent excessive drafts. Damaged materials must be repaired or replaced promptly; places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering and seepage.
- b. *Nonresidential.* The exterior of every structure or accessory structure (including fences, signs and store fronts) shall be maintained in good repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All 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 and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences.
- All reconstruction of walls and sidings shall be of standard quality and appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front. The materials used will not be of a new kind that by their appearance under prevailing appraisal practices and standards will depreciate the values of neighboring and adjoining premises.
- c. *Enforcement.* The Zoning Office and Health Department or any other employee of the Township may enforce the provisions of this subsection. This provision applies to all residential and nonresidential structures within the Township. (1972 Code § 16-8.3; Ord. No. 1565-98 §§ I, II)

14-8.4 Basements and Cellar.

Basements, cellar and crawl spaces are to be free of moisture resulting from seepage, and cross ventilation shall be required where necessary to prevent accumulations of moisture and dampness. (1972 Code § 16-8.4)

14-8.5 Freedom from Infestation; Residential.

All parts of the premises shall be maintained so as to prevent infestation. (1972 Code § 16-8.5)

14-8.6 Supplying of Screens; Residential.

Properly fitting screens in good repair shall be supplied for each exterior door and window of each dwelling unit or rooming unit. These screens shall have a mesh of not less than No. 16. Screens shall not be required in rooms deemed by the public officer, pursuant to regulation, to be located sufficiently high to be free of mosquitoes, flies and other undesirable

insects or otherwise protected from serving as a means of access for infestation. In establishments subject to licensing and in all buildings where janitor service is required, pursuant to subsection 14-8.7, paragraph a, 14, screens shall be installed and maintained by the owner or operator on all doors and windows from May 1 to October 1 of each year. (1972 Code § 16-8.6)

14-8.7 General Sanitation and Safety.

- a. *Residential.* All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance, and free from health, safety and fire hazards.
 1. Freedom from Accumulations and Obstructions. No accumulation or obstruction from garbage, refuse or rubbish shall be permitted on common stairway, areaways, balconies, porches, hallways, basements or cellars, except garbage stored in proper containers may be set out for removal, pursuant to paragraph a, 14 of this subsection, within one (1) hour in a clean and sanitary condition.
 2. Floors, Interior Walls and Ceilings. Floors, interior walls and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition.
 3. Floors Generally. Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and other hazards.
 4. Bathroom, Water Closet Compartment and Kitchen Floors. Bathroom, water closet compartment and kitchen floors shall be surfaced with water-resistant material and shall be kept at all times in a dry, clean and sanitary condition, and shower room floors shall be kept clean and sanitary.
 5. Cellar and Basement Floors. Floors of basements and cellars shall be paved with stone or concrete not less than four (4) inches thick and shall be maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and other hazards.
 6. Supporting Structural Members. Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.
 7. Walls and Ceilings Generally. Walls and ceilings shall be considered to be in good repair when clean and free from cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, paper, sealing material or other protective covering so that the walls and ceilings shall be kept clean, free of visible foreign matter, sanitary and well maintained at all times.
 8. Stairs and Railings. Interior stairs of every structure used for human habitation shall be structurally sound and free from defects. Handrailings or bannisters shall be provided for all stairs, balconies, fire escapes and stairwells and the handrails or bannisters shall be securely attached, maintained free from defects and shall be of sufficient height to guard against accidents and to be appropriate for use by persons of normal height utilizing the stairway. Stairs shall be adequately lighted in all places, with control switches operable from each story to permit safe use at night for persons ascending or descending, except in establishments subject to licensing or where janitorial service is provided and artificial lighting for hallways and common areaways is supplied in accordance with State Law from a master control switch.

9. Garbage Container to Be Supplied for Each Occupant. Each dwelling unit containing cooking facilities shall be provided with a water-tight noncombustible container with a tight-fitting lid for the temporary storage of rubbish, garbage, and other refuse.
10. Garbage Container for Exterior of Building. Where there are one (1) or more occupants in a dwelling unit other than the one occupied by the owner, the owner shall supply waterproof noncorrosive noncombustible containers at the exterior of the premises for the removal of garbage and refuse, which containers shall conform to the provisions of Chapter 17 of this revision.
11. Responsibility for Removal. The owner or operator shall have the duty and responsibility of removing garbage wherever a janitor is required for the premises in accordance with paragraph a, 14 of this subsection.
12. Accumulating Refuse and Nonfireproof Storage Prohibited. Storage bins, rooms and areas shall not be used for accumulated garbage or refuse, provided that enclosed spaces or rooms in the interior of dwellings which are used exclusively as garbage collection points equipped with garbage containers complying with paragraph a, 14, below, from which room or space 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 they are of a type approved for storage by the regulations of the Fire Department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.
13. Storage Areas. In dwellings containing four (4) or more dwelling units storage areas or storage bins shall be of fireproof construction and contain fireproof walls and partitions of at least two (2) hours rating and in addition thereto shall have self-closing fireproof doors; provided however that storage in existing framework, wood frame bins or nonfireproof storage areas shall be permitted, provided that the storage of combustible materials, containers for the same and means of storage shall be in compliance with regulations promulgated by the Public Officer with the approval of the Fire Chief, designated to minimize the existence of fire hazards in dwellings. Excessive accumulations of combustible materials are prohibited and responsibility for removal thereof shall be with the owner and operator of the premises as well as the occupant to whom the materials may belong. Where storage areas or storage bins are available to more than one (1) tenant, the area shall be numbered or otherwise identified and a list of the names of the tenants utilizing such area shall be kept at all times available for examination by the Public Officer in the office of the person in charge of the premises. The provisions governing paragraph a, 14, below, shall be supplemented by regulations to be prepared jointly by the Public Officer and Fire Chief as well as appropriate enforcement procedures which will include notification to the superintendents and tenants of apartment buildings which may be affected thereby.
14. Janitorial Service. In every dwelling containing six (6) or more dwelling units or rooming units, or combination thereof, the owner shall provide or designate a superintendent, janitor, caretaker or housekeeper, who shall at all times maintain the premises in compliance with this Code and keep the premises free from filth, garbage, refuse and rubbish, and who shall be responsible for the daily collection of garbage and other refuse from the occupants on a regular schedule and at a reasonable time, and place the same out for collection in accordance with the provisions established by the Township. The person shall be regularly available on the premises to perform the foregoing duties.

- (a) In the event the superintendent, janitor, caretaker or housekeeper does not reside in the premises, the owner or operator shall make his/her name, address and telephone number known to all tenants, and shall register same with the public officer, and shall also make available and known to all tenants and public officer the name of an alternate individual who shall be responsible during the absence of the superintendent, janitor, caretaker or housekeeper.
 - (b) In any premises containing thirty-five (35) or more dwelling units, rooming units or combination thereof, the superintendent, janitor, caretaker or housekeeper shall reside on the premises. In any premises containing seventy (70) or more dwelling units, rooming units or combination thereof, the superintendent, janitor, caretaker or housekeeper shall be a full-time employee. Where more than one (1) building on adjoining premises or premises in near proximity to each other are in common ownership or under common management or maintenance supervision, the requirements contained herein shall apply separately to each building unless the owner or manager thereof can demonstrate to the satisfaction of the public officer that proper operation of the premises and provision of all essential services and facilities as required under Township Codes 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/her place of residence.
 - (c) The superintendent, janitor, caretaker or housekeeper shall have sufficient knowledge, competence and responsibility and shall have authority from the owner or operator to attend to or arrange for continual operation of all essential services and facilities required under this Code. Where violations arise under this Code and by reason of same, the Public Officer is doubtful of the qualifications, competence and sense of responsibility of any superintendent, janitor, caretaker or housekeeper, he/she shall provide notice to the owner or operator and to the superintendent, janitor, caretaker and housekeeper and thereafter the Public Officer shall provide an oral and written examination or hearing to determine the qualifications, competence and sense of responsibility of the superintendent, janitor, caretaker or housekeeper. In the event the Public Officer shall find such person is not capable or competent to regularly perform the duties required by this Code, the Public Officer shall order the owner or operator to provide that a suitable person be placed in charge and be responsible for the premises.
 - (d) The failure of any superintendent, janitor, caretaker or housekeeper to comply with the provisions of this Code, even in disobedience of instructions, shall not relieve the owner or operator from the duties and responsibilities imposed by this Code.
- b. *Nonresidential.*
- 1. Bathroom, Water Closet Compartment and Kitchen Floors. Washroom and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry, clean and sanitary condition at all times.
 - 2. Responsibility for Removal of Garbage. The owner and operator shall have the duty and responsibility of removing garbage.
 - 3. Accumulating Refuse and Nonfireproof Storage Prohibited. Storage bins, rooms and areas shall not be used for accumulated garbage or refuse. Inflammable or

combustible liquids or other materials may not be stored on the premises unless they are of a type approved for storage by the regulations of the Fire Department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.
 (1972 Code § 16-8.7)

14-8.8 Utilities and Facilities Within a Dwelling; Water and Plumbing Facilities.

a. *Residential.*

1. Adequate Supply of Township Water. Every facility using running water for domestic purposes within any building shall be connected to the public water supply system of the Township. The water system shall be maintained in good and operable condition at all times so that sufficient and positive pressure shall be available at all installed hot and cold water faucets.
2. Hot and Cold Water. Every kitchen sink, bathroom sink and basin, tub or shower, as required under this Code shall be connected to both the hot and cold water lines. There shall be sufficient and adequate equipment maintained in good working condition to supply water at a minimum temperature of one hundred (100° F) degrees Fahrenheit at all times to each hot water outlet.
3. Facilities Required in Bathroom. Every bathroom required shall be provided with a flush toilet, connected to the cold water line, and a shower or tub and a wash basin connected to running water as set forth in paragraph a, 2 above. Bathrooms shall also be provided with adequate light and ventilation as more particularly set forth in paragraph a, 24.
4. Maintenance of Plumbing Facilities. Every facility required under paragraphs a, 1, 2 and 3 hereunder shall be maintained in a sanitary condition, free of defect and in operating condition at all times. Where the facility or plumbing fixtures are clogged, overflow or otherwise necessitate repairs, such repairs shall be performed forthwith.
5. Connection to Sanitary Sewer. All plumbing fixtures shall be connected to the sanitary sewer through lines which are free of leaks, corrosion or deterioration, and provide unobstructed passage from the plumbing facilities within the dwellings to the sanitary sewer.
6. Bathroom Requirements for Dwelling Units. Every dwelling unit shall contain a bathroom which shall be located entirely within that unit and which shall be completely enclosed, containing the facilities as set forth in subsection 14-8.10b in a room which affords privacy to the occupants thereof.
7. Bathroom Requirements for Independent Rooming Units. There shall be a bathroom meeting the same requirement as set forth in paragraph 6 above, which shall be directly accessible to a common hallway or areaway which is either on the same floor as, or is one (1) 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 other dwelling unit or rooming unit. The number of bathrooms required for persons who do or may occupy the rooming units shall be as follows:

<i>Number of Bathrooms</i>	<i>Occupants to be Accommodated</i>
1	1 to 4

2	5 to 9
3	10 to 14
4	15 to 19

8. Heating Facilities and Duty to Supply Heat. Every dwelling unit shall contain heating facilities of sufficient capacity to maintain a minimum inside temperature of sixty-eight (68° F) degrees Fahrenheit in all habitable rooms, bathrooms and water closet compartments measurable thirty-six (36) inches above the floor at the center of any such room or compartment when the outside temperature is zero (0° F) degrees Fahrenheit. Where the facilities are found to be of inadequate size or capacity to accomplish the foregoing, then the owner or operator shall, at the direction of the Public Officer, either increase the capacity of the heating system or close off habitable space so that the standard as established herein shall be met, provided that such space can be removed as habitable space without creating a violation of the standards established by this Code.
9. Where Central Heating Required. Central heating shall be required in all lodging houses, boarding houses and nursing homes as of the effective date of this Code.
10. Central Heating. There shall be no other provisions.
11. Alternative Modes of Heating. No other mode of heating not specified in this subsection, paragraphs 14-8.8a, 9 and 10 shall be permitted.
12. Storage of Fuels. Fuel for operation of the heating equipment shall be stored outside of the premises, unless stored in the interior pursuant to regulations for the Fire Department as to storage of inflammable materials, set forth under subsection 14-8.7a, 13.
13. Conversions Prohibited During Winter. No heating units shall be converted in any dwelling, or part thereof, between October 1 and May 1, where there are occupants other than the owner or operator, dependent on heat from the unit, without written consent of all such occupants, but nothing herein shall be construed as preventing emergency alterations or repairs.
14. Side Arm Gas Water Heaters. On and after September 15, 1964, no new or used gas heaters shall be installed.
15. Installation and Maintenance of Heating Facilities. Heating equipment shall be installed in a manner which will avoid dangerous concentration of fumes and gases. Heating equipment shall not be forced to operate beyond the safe capacity for which it is designed. Where necessary, exposed heating risers, heating ducts and hot water lines shall be covered with an insulating material or guard.

The heating facilities and all parts thereof shall be kept in good operating condition, free of defects, corrosion and deterioration at all times.
16. Requirements for Providing Heat from October 1 to May 1. Except as hereinafter stated, the interior dwelling unit or rooming unit, bathroom and water closet compartment shall be maintained during the entire day as defined in item 18 of this paragraph at a minimum temperature of sixty-eight (68° F) degrees Fahrenheit.
17. From May 1 to October 1. Except as hereinafter stated, every dwelling unit, rooming unit, bathroom and water closet compartment shall be maintained at a temperature of sixty-eight (68° F) degrees Fahrenheit during the remainder of

the entire day whenever the outside temperature falls below fifty-five (55° F) degrees Fahrenheit at any time between the hours of 6:30 a.m. to 10:30 p.m.

18. "During the Entire Day." The term "during the entire day" shall include the hours from 6:30 a.m. to 10:30 p.m.
19. Where Owner Not Required to Supply Heat. Any owner or operator who has an express contractual arrangement with an occupant under which the occupant undertakes to supply his/her own heat through facilities under the occupant's exclusive control shall be excepted from the requirements to supply heat hereunder.
20. Duty to Maintain Equipment. Notwithstanding a contract by the occupant to supply his/her own heat as provided herein, where the heating unit is installed by or owned by the owner or operator, then the duty to maintain the same in operable and functioning condition as provided herein shall remain the duty of the owner or operator.
21. Presumption Against Contract by Occupant to Supply Own Heat. The presence of heating outlets, radiators, risers or returns in any hall or dwelling unit or rooming unit shall constitute a presumption that the owner is to supply heat as required hereunder and in the absence of clear and convincing proof to the contrary, this presumption shall control.
22. Where Occupant Required to Supply Heat as Owner. As set forth in subsection 14-8.8a, 19, occupants who undertake to supply heat to dwelling units or rooming units other than their own shall be responsible as owners hereunder to the occupants of such dwelling units or rooming unit.
23. Habitable Rooms, Windows and Skylights. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate window or skylight area available to unobstructed light shall not be less than ten (10%) percent of the floor area of such rooms, or twelve (12) square feet, whichever is greater. The window or skylight shall either open to forty-five (45%) percent of the required area or be supplied with a mechanical ventilation system of sufficient capacity provided with proper openings for incoming or outgoing air to assure comparable ventilation. Openings for ventilation as required herein shall include windows, skylights, louvres, monitors or other openings providing all such openings are easily operable by the occupants.
24. Bathrooms and Water Closet Compartments. Every bathroom and water closet compartment shall be adequately ventilated with openable area as described in this subsection 14-8.8a, 23 and 24, totaling one and one-half (1 1/2) square feet or by comparable mechanical ventilation.
25. 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 the National Electrical Code as adopted and as may be hereinafter adopted.
26. Electrical Outlets in Habitable Rooms. Every habitable room shall be equipped with a permanently installed electrical outlet or outlets sufficient to provide lighting and power and permit the installation of or the use of electric lights sufficient to meet the reasonable lighting requirements for normal use of the room, and other electrical equipment normally expected to be used in the room.
27. Lighting of Bathrooms, Washrooms and Water Closet Compartments. Every bathroom and water closet compartment shall be provided with permanently installed artificial 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.

28. Lighting of Common Spaces Other Than Habitable Room Bathrooms and Water Closet Compartments. 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) foot candles (five (5) lumens) measured in the darkest portion. Light switches for stairs and hallways shall be readily accessible to occupants using the same and so located as to comply with subsection 14-8.7a, 8. Every cellar, basement, work space, and other part of the structure used occasionally and incidentally by the occupants shall be provided with artificial lighting available at all times so that there shall be at least three (3) foot candles (three (3) lumens) measured in the darkest portion trafficked by occupants.
 29. Loose or Exposed Wiring. Except as hereinafter stated, all wiring or cables shall be properly affixed or attached to the structure. Insulation shall be provided for all wiring and cables and kept in good repair. No loose cords or loose extension lines in excess of six (6) feet in length shall be permitted and no ceiling or wall fixture shall be used for supplying power to equipment other than that for which they are designed.
 30. Replacement of Light Bulbs. All required lighting fixtures shall be supplied at all times with functioning light bulbs of sufficient wattage to supply the lumen requirements of this Code.
 31. 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, except that owners shall not be responsible for violation in fuse installations without their knowledge where the correct maximum is stated and the fuse box is located within a dwelling unit or rooming unit in the exclusive possession of occupants other than the owner.
 32. Overloading of Circuits. Overloading of circuits is prohibited. Where the public officer finds, that by reason of the appliances and fixtures there is continuing overloading of an electrical line creating a hazard, the owner shall be required to install a line of sufficient capacity to absorb the load to which the line is subjected or otherwise eliminate the conditions causing the overload. For purposes of this section, the public officer may consider the peak seasonal load to which the line is subjected.
 33. Suspension of Services and Utilities. No owner, operator or occupancy shall cause any service, facility, equipment or utility, which is required to be supplied by the provisions of this Code, to be removed from or discontinued for an occupied dwelling unit or rooming unit, except for necessary repairs, alterations or emergencies, or for such other reason as may be permitted pursuant to those sections of the Township ordinances applicable to such service, facility, equipment or utility.
- b. *Nonresidential.*
1. Electric Service Generally. All premises shall be properly connected to and provided with electric power through safely insulated conductors conforming to the National Electrical Code.
 2. Lighting of Bathrooms, Washrooms and Water Closet Compartments. Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and

maintained that there is no danger of shortcircuiting from water from other washroom facilities or from splashing of water.

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 therein in excess of the stated maximum except that owners shall not be responsible for violation in fuse installations without their knowledge where the current maximum is stated and the fuse box is located within any part of the premises which is in the exclusive possession of occupants other than the owner. (1972 Code § 16-8.8; Ord. No. 1690-00 § 4)

14-8.9 Occupancy Standards - Superficial Floor Area Requirements; Residential.

- a. *Cellar Rooms.* Use of a cellar for sleeping purposes is hereby prohibited.
- b. *Illegal Student Occupancy.* It shall be unlawful for any person over the age of eighteen (18) to:
 1. Assist, aid, abet, allow, permit, suffer or encourage a student to register or enroll in the West Orange School District where the student is ineligible to attend; or
 2. Knowingly permit his or her name, address, or other residence designating documentation to be utilized in the registration or enrollment of any nonresident student in the West Orange School District.
- c. *Dwelling Units.* Every dwelling unit shall contain a minimum floor area of three hundred (300) square feet for each occupant. All children shall be counted as occupants for these purposes.
- d. *Required Space in Sleeping Rooms.* There shall be a minimum required floor area in sleeping rooms of one hundred (100) square feet for the initial occupant and an additional fifty (50) square feet of floor area in the same room for each additional occupant.
- e. *Exceptions.* The space requirements of paragraphs c. and d. above shall not limit the number of minor children residing in one (1) dwelling unit with their biological, adoptive or foster parent(s). If the space requirement of paragraph c. and d. above are exceeded as a result of the number of children, the number of adults shall be limited to two (2).
(1972 Code § 16-8.10; Ord. No. 1456-97 § 2; Ord. No. 1715-00 § 3; Ord. No. 1827-02 § 2; Ord. No. 1988-04 § II)

14-8.10 Basic Facilities Required, Residential.

Every dwelling unit shall have a bathroom containing a toilet, wash basin, bathtub or shower, shall be equipped with private kitchen facilities, and shall comply with such other requirements as are set forth elsewhere in this Code. Where there are more than eight (8) occupants, the unit shall have two (2) bathrooms. (1972 Code § 16-8.10; Ord. No. 1715-00 § 4)

14-8.11 Where Second Means of Egress Required.

- a. *Dwelling Units.* There shall be a second means of egress for all dwelling units (except in single-family dwellings) which dwelling units are located in basements or above the first story level of any structure.
- b. *Basement Dwelling Units.* 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 by leading directly to the outside of the premises, or in the alternative, a window which shall serve as a means of egress in accordance with subsection 14-8.9e.

- c. *Independent Rooming Units.* Independent rooming units shall, except in single-family dwellings, have a door opening directly into a common hallway or areaway. Any independent rooming unit located in the basement or at ground level of a dwelling shall be provided with a second means of egress with the same requirements as provided in subsection 14-8.10b. Where there is an independent rooming unit located above the first story, a common hallway or areaway shall have two (2) means of egress remote from each other and conforming to the requirements of the Building Code.
- d. *Window in Path of Egress.* Where a window forms a part of the path of egress from a dwelling unit or rooming unit or common hallway or areaway to a fire escape, the window shall be located no more than three (3) feet above the floor area and shall provide a minimum opening of at least three (3) feet in width and four (4) feet in height. The window shall be easy to open for all occupants and shall lead directly to the fire escape or to the immediately adjacent outside ground area with a maximum drop of three (3) feet 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.
- e. *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 four (4) feet, shall open in the direction of exit travel and shall be accessible and free from obstructions from common hallways or areaways.
- f. *Location and Number of Exits.* Where two (2) or more exits are required, each exit shall be remote as practicable from the outer 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 or fireproof construction or buildings equipped with automatic sprinkler systems throughout, in which buildings 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 past.
(1972 Code § 16-8.11)

14-9 DUTIES AND RESPONSIBILITIES OF OCCUPANTS.

Occupants shall have all the duties and responsibilities as prescribed and all the regulations promulgated pursuant thereto, and the occupant shall not be relieved from any duty or responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof. (1972 Code § 16-9)

14-9.1 General and Specific Provisions.

- a. *Residential.* Occupants shall not after notice as required under Section 14-11 occupy or continue to occupy premises which are substandard by reason of the failure of the dwelling unit or rooming unit occupied by them or of the dwelling or premises to conform to and comply with the requirements of this Code. Upon discovery by the occupant of any condition on premises occupied by the occupant which constitutes a violation hereof, the occupant shall report the same to the public officer responsible for enforcement hereunder, as more particularly set forth in subsection 14-9.10.
- b. *Nonresidential.* Upon discovery by an occupant of any condition on the premises which constitutes a violation hereof, the occupant shall report the same to the Public Officer responsible for enforcement hereunder.
(1972 Code § 16-9.1)

14-9.2 Cleanliness and Sanitation.

All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition. (1972 Code § 16-9.2)

14-9.3 Garbage Disposal and Personal Accumulations; Residential.

Occupants shall place all garbage in the receptacles provided for garbage disposal and shall, where janitor service is not supplied, place for disposal all garbage and other refuse in garbage cans located in the exterior of the premises in an area designated and set forth for the same. Where janitorial service for the removal of garbage and other refuse to the exterior of the premises is provided by the owner or operator, then the occupant shall dispose of garbage and other refuse in containers provided therefor by the owner or operator in designated and enclosed areas in the interior of the premises. Garbage and other refuse shall not be thrown out of windows or down dumbwaiters, nor shall garbage and refuse be set out on stairways or fire escapes or in common hallways. All fire escapes, stairways and common hallways shall be kept free of accumulations of personal belongings. All dumbwaiters shall be operable at all times where in existence and used as a regular part of the garbage disposal system. (1972 Code § 16-9.3)

14-9.4 Eliminating Infestation.

- a. *Residential.* Every occupant of a single-family dwelling shall be responsible for the elimination of infestation in the dwelling and on the premises. Every occupant of a dwelling unit or rooming unit in a dwelling other than a single-family dwelling shall be responsible for eliminating all conditions causing infestation which are caused by the occupant, and also those conditions which are subject to and under his or her exclusive control.
- b. *Nonresidential.* Every operator shall be responsible for the elimination of infestation in and on the premises subject to his or her control.
(1972 Code § 16-9.4)

14-9.5 Malicious Damage.

Every occupant or operator shall be responsible for willfully or maliciously causing damage to any part of the premises. (1972 Code § 16-9.5)

14-9.6 Use of Fuel; Residential.

No occupant shall cause excessive discoloration of the sidewalks or ceilings of any part of the premises by improper use of heating or cooking equipment. (1972 Code § 16-9.6)

14-9.7 Supplying of Heat to Other Occupants; Residential.

Where any occupant undertakes by contract, or as a condition of his or her letting, to supply his or her own heat through a furnace or boiler which also heats a dwelling unit or rooming unit occupied by other persons, the occupant shall be responsible for supplying heat in accordance with the provisions of subsection 14-8.8a, 8-16. (1972 Code § 16-9.7)

14-9.8 Installation and Maintenance of Heating Equipment; Residential.

Where any occupant undertakes to install heating equipment, the same shall conform to the requirements of subsection 14-8.8a, 8-16. The occupant shall thereafter be responsible for maintaining such equipment installed by him or her in good repair and operating condition during all times that the heating equipment shall remain under his or her control. (1972 Code § 16-9.8)

14-9.9 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 drainage to the fixture or sewer system. (1972 Code § 16-9.9)

14-9.10 Providing Notice of Defect to Owner.

Where the owner or operator would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is defective or inoperable, each occupant or operator affected thereby shall, upon learning of the defect, provide notice to the owner, operator, or other person in charge of the premises. Nothing herein shall be construed to provide a defense to any owner or operator violating this Code. (1972 Code § 16-9.10)

14-9.11 Occupancy of Rooming Unit or Dwelling Unit; Residential.

No occupant shall occupy or permit the occupancy of any rooming unit or dwelling unit in violation of the occupancy standards established in subsection 14-8.9. (1972 Code § 16-9.11)

14-9.12 Cooking Only Where Sanitary Facilities Exist; Residential.

No occupant shall cook in any dwelling unit or independent rooming unit except where all the required sanitary facilities are installed as required under subsection 14-8.10d. (1972 Code § 16-9.12)

14-9.13 Occupancy of Dwelling Unit or Rooming Unit Without Required Facilities; Residential.

No occupant shall occupy or continue to occupy a dwelling unit or rooming unit that does not have provision for bathroom facilities as required under subsection 14-8.10a. and b. (1972 Code § 16-9.13)

14-9.14 Violations by Minors; Residential.

Any adult member of the family shall be responsible and liable for any violation of this section caused by minors under their care or custody occupying the same dwelling unit if the violations were created or permitted to continue with the knowledge or acquiescence or consent of the adult member. (1972 Code § 16-9.14)

14-10 REGULATIONS AND LICENSING OF LODGING HOUSES, BOARDING HOUSES AND NURSING HOMES.

14-10.1 License Required.

No person shall manage, conduct or operate the business of keeping a lodging house, boarding house or nursing home 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. (1972 Code § 16-10.1)

14-10.2 Application for License.

The application for a license as required herein shall be made in quadruplicate to the Construction Official on forms prescribed by the Public Officer, which forms shall require information concerning the occupancy, standards including the number of rooms to be used for sleeping, the maximum number of persons which each room in the establishment itself can accommodate, the location of all such rooms, types and location of bathrooms, exits and other facilities, and names and addresses of all persons who will actually be in charge of the management or conduct of the establishment, whether such establishment is equipped to accommodate persons who are disabled or persons who require special care, and such further data as may be required for the enforcement of this Code. All applications shall be accompanied by the required fees. 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 name and address of the owner and operator of the premises of the date when the use, by reason of the zone change or variance, first became nonconforming and the number of rooms and number of roomers as of that date. The application shall be signed by the owner as well as the operator and shall contain a certification of the truth of the information contained therein by both owner and operator. Any false information shall constitute a violation of this Code and in addition grounds for revocation of any license approved pursuant thereto. Any false information rendered knowingly and intentionally may, upon complaint of a Public Officer, subject the party rendering it to criminal prosecution. (1972 Code § 16-10.2; Ord. No. 830-86 § 1)

14-10.3 Term and Renewal of Application.

Except as otherwise provided herein, the term of the license shall be for one (1) year from June 1 to May 31 of the next succeeding year and is renewable annually. (1972 Code § 16-10.3)

14-10.4 License Fee.

The license fee shall be due and payable as of June 1 of each year. Where licenses are issued after December 1, the licensee shall pay one-half (1/2) of the license fee. The license fee as of June 1, 1965 and thereafter shall be:

Lodging houses	\$25.00 per year
Boarding houses (Class A)	\$25.00 per year
Boarding houses (Class B)	\$50.00 per year
Nursing homes	\$75.00 per year

(1972 Code § 16-10.4)

14-10.5 Procedure upon Filing of Application.

Upon filing of an application, the Construction Official shall transmit one (1) copy to the Public Officer, one (1) copy to the Fire Chief, and one (1) copy to the Health Officer. The original shall be kept at all times in the office of the public official to whom the application was submitted. Inspection of the premises for compliance with this Code, other ordinances of the Township or laws of the State of New Jersey shall be conducted in accordance with the regulations of the Public Officer. Upon completion of inspections, if the Public Officer shall

determine and certify to the public official to whom the application was submitted that the premises are in compliance, then the license shall issue forthwith, provided, however, if any action of the Board of Adjustment is required under the Zoning Ordinance, no license shall issue except in accordance with the provisions of that Zoning Ordinance. (1972 Code § 16-10.5; Ord. No. 820-86 § 2)

14-10.6 Right to Refuse License or Renewal Thereof, or Suspend or Revoke License of Unfit Operator.

Notwithstanding the provisions of subsection 14-10.5, the Public Officer may refuse to certify the application for a license where the operator or any person or persons who shall be in active management of the premises shall 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 physically or mentally unfit or unsuited by similar or equivalent circumstances for active management of the premises. (1972 Code § 16-10.6)

14-10.7 Right of Applicant to Hearing.

If the Public Officer shall determine that the applicant has failed to meet the requirements of this Code, the requirements of the Department of Health, or of any other ordinance of the Township or laws of the State of New Jersey or that the applicant is unqualified pursuant to 14-10.6 or upon any suspension, revocation or failure to renew a license, the Public Officer shall send a written notice to the applicant setting forth his/her reasons therefor. The applicant may thereupon correct any violation and apply for reinspection upon the payment of ten (\$10.00) dollars as a reinspection fee or submit a written request for a hearing to the Public Officer, in which request the applicant shall state the facts on which he/she will base his/her contention that the Public Officer's determination was in error. The Public Officer shall, within thirty (30) days from the receipt thereof, provide a hearing upon a minimum of five (5) days notice to the applicant and render a decision thereon within ten (10) days thereafter. Where the violation is of a regulation of the Department of Health, the hearing shall be before the Health Officer. The Public Officer (or where applicable, the Health Officer) may in such decision affirm or reverse previous determination or modify his/her determination and agree to approve the application or terminate the suspension or revocation upon compliance with specified conditions. (1972 Code § 16-10.7)

14-10.8 Violations of the Code; Penalties and Suspension or Revocation of License.

Upon determining that the premises are in violation of this Code, regulations of the Department of Health, or any other ordinances of the Township or the laws of the State of New Jersey, at any time after a license is issued, the Public Officer shall require correction of the violation within ten (10) days by notice in writing to the owner and operator. Upon failure to correct the violation within the time prescribed, the owner and operator shall be liable for the penalties for violations of this Code prescribed in Section 14-12. In addition thereto, the Public Officer may suspend temporarily or conditionally refuse to renew the license issued for the premises for failure to correct the violations as aforesaid, provided that if the owner or operator requests a hearing no such suspension shall be effective until after a hearing and determination pursuant to subsection 14-10.7, which determination shall state reasonable terms and conditions upon which the suspension shall terminate or renewal shall be granted. 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 Public Officer may thereafter permanently revoke the license or refuse renewal thereof without conditions or terms. Where the provision has been violated within the province of the

Department of Health, the Health Officer shall be substituted for the Public Officer hereunder. (1972 Code § 16-10.8)

14-10.9 Change in License 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 date 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 Public Officer. (1972 Code § 16-10.9)

14-10.10 License 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. (1972 Code § 16-10.10)

14-10.11 No Refunds of License Fees.

The applicant shall not be entitled to any refunds of any fees paid hereunder by reason of the rejection of the application, the suspension or revocation of any license or transfer of ownership or operation of premises prior to the termination of the license period. (1972 Code § 16-10.11)

14-10.12 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. (1972 Code § 16-10.12)

14-10.13 Effect of Licensing on Other Laws.

The issuance of a license shall constitute a certification that the premises as of the date of issuance comply with this Code but shall not be construed to constitute a certification that the premises comply with any other Township ordinance nor any State law nor shall it relieve any other official or public agency from enforcing any applicable ordinance or law. (1972 Code § 16-10.13)

14-10.14 Register Book Required.

False registration is prohibited. All such establishments subject to licensing shall keep a register in which there shall be set forth in ink the name and last permanent address and signatures 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. The register shall be available at all times to the authorized representative of the Public Officer, Police Chief, and Director of the Fire Department of the Township. Registration in a false name is prohibited. Beside each registration a notation shall be made to indicate which occupant is a disabled person or person requiring special care. (1972 Code § 16-10.14)

14-10.15 Occupancy Limitations.

- a. *Lodging Houses and Boarding Houses (Class A).* Occupancy by disabled persons or persons requiring special care in lodging houses and boarding houses (Class A) is hereby prohibited.

- b. *Boarding Houses (Class B).* Occupancy by persons requiring special care is allowed, but occupancy by disabled persons in boarding houses (Class B) is hereby prohibited.
- c. *Right of Public Officer or Health Officer.* Where the Public Officer or the Health Officer has reason to believe that an occupant of an establishment subject to licensing either require special care or is disabled, the officer may require that the person produce within forty-eight (48) hours a physician's certificate attesting to the mental or physical condition of the person as it relates to the category in which the occupant is classified, and if the official shall determine that the person requires special care and is thereby prohibited from residing in a lodging house or boarding house (Class A) or is disabled and thereby prohibited from residing in any lodging house or boarding house, then the person shall vacate the premises and relocate in a suitable and appropriate establishment no later than five (5) days after the issuance of any order directed to the owner or operator and the occupant therefor, 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.
- d. *Occupancy of Unemancipated Minor Prohibited.* The occupancy of any rooming unit by an unemancipated minor in an establishment subject to licensing is hereby prohibited, and the operator and occupant of the premises in which such occupancy occurs shall be liable hereunder.
- e. *Overcrowding Prohibited.* Occupancy in excess of the maximum occupancy permitted under subsection 14-8.9 or the occupancy data set forth in the application under subsection 14-10.2 is prohibited.
(1972 Code § 16-10.15)

14-10.16 Sanitary Conditions and General Maintenance of Establishment.

- a. *Bathroom and Water Closet Facilities Required.* Bathroom and water closet facilities shall be provided for occupants pursuant to subsection 14-8.8a, 7 except as hereinafter provided for boarding houses (Class B) in subsection 14-10.22e and for nursing homes in subsection 14-10.23a. All bathrooms shall be provided with inside locks.
- b. *Bedding, Bed Linen, Towels and Soap Required.* Every operator shall provide for all occupants, bedding, mattresses, mattress covers, bed linens, blankets, pillows, towels and soap. All such items shall be kept in a 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 with blinds where necessary, 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 subsection 14-8.7a, 14.
(1972 Code § 16-10.16)

14-10.17 Provisions Governing Safety and Fire Prevention.

- a. *Fire Alarm System.* Every establishment subject to licensing shall be provided with a fire alarm system or device approved by the Underwriters Laboratory, Inc. or by such other laboratories qualified and equipped for the testing of fire protection equipment or materials as approved by the Public Officer and the Fire Chief. 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 shall be 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 Public Officer approved by the Fire Chief.
- b. *Directional Signs.* Every licensed establishment shall have exit signs posted in common hallways visible from the door of every rooming unit. Each sign shall indicate the direction of and location of the nearest means of egress. All signs shall be of a size and color and be illuminated in accordance with the regulations of the Public Officer, which regulations are to be approved by the Fire Chief.
- c. *Stairway Doors to Be Self-Closing.* Wherever 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.
- d. *Storage of Combustible Materials.* Storage of combustible materials and temporarily used or unused household furnishings, bedding, mattresses and similar articles shall only be permitted in enclosed fireproof compartments. Storage areas shall, as of the effective date of this Code, comply with subsection 14-8.7a, 13 notwithstanding the date set forth herein.
- e. *Disposal of Combustible Materials.* All combustible materials shall be disposed of in self-closing metal cans which can be provided where needed on the premises for that purpose.
(1972 Code § 16-10.17)

14-10.18 Cooking Facilities.

Community cooking is prohibited except for cooking performed by the owner or operator or their employees for occupants in boarding houses and nursing homes. (1972 Code § 16-10.18)

14-10.19 Night Lights.

Night lights shall be provided in all common areaways leading to bathrooms as well as in hallways in compliance with subsection 14-8.8a, 28. (1972 Code § 16-10.19)

14-10.20 Central Heating.

There shall be central heating in all establishments subject to licensing, which shall supply adequate heat as required under subsection 14-6.8.8a, 8 to all occupied rooming units and to all bathrooms. (1972 Code § 16-10.20)

14-10.21 Service of Food.

Where food is served in any establishments 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 the Sanitary Code and shall be supervised by the Health Officer, as well as this Code. The Public Officer is authorized to enforce any violation determined by the Health Officer to be a violation of this Code after a notice and hearing in accordance with the provisions of subsection 14-11.5. (1972 Code § 16-10.21)

14-10.22 Special Requirements with Respect to Boarding Houses (Class B).

- a. *Responsible Person on Duty.* There shall be on duty at all hours of the day and night at least one (1) responsible person capable of performing the duties of evacuation for each twenty (20) persons or fraction thereof housed therein.
- b. *Fire Extinguishers.* Portable fire extinguishers of adequate types and size as prescribed by regulations shall be provided and hung in a conspicuous location in each hallway or common areaway, and where the length of same exceeds fifty (50) feet there shall be a fire extinguisher for each fifty (50) feet or fraction thereof located at least fifty (50) feet apart. There shall be fire extinguishers provided in the kitchen and also in the basement or cellar which shall be located within twenty-five (25) feet of any furnace or heating apparatus therein. All fire extinguishers shall be inspected annually and shall further be subject to a test every five (5) years for hydrostatic pressure to determine the capability of the extinguisher to withstand with safety the pressure generated during operation.
- c. *Evacuation Instruction Required.* The operator, pursuant to regulations and supervision of the Fire Chief, shall be responsible for instructions to all occupants and employees as to procedure to be followed for fire safety and for orderly emergency evacuation.
- d. *Additional Exit Requirements.* In addition to the requirements of subsection 14-8.11 exit stairways utilized as fire escapes on the exterior of the building shall extend all the way to the ground and drop ladders for any part thereof shall be prohibited. Access to outside exit stairways shall be through doors leading to balconies, and window exits shall be prohibited. All exit doors shall be equipped with panic locks or similar devices readily opened from the inside and shall open in the direction of exit travel.
- e. *Bathroom and Water Closet Facilities.* Bathroom and water closet facilities shall be provided on each floor having sleeping rooms, in addition to the requirements of subsection 14-8.10b.
(1972 Code § 16-10.22)

14-10.23 Nursing Homes.

- a. *Requirements.* Nursing homes shall comply with all the special requirements applicable to boarding houses (Class B) in subsection 14-10.22.
- b. *Fireproof Construction.* All nursing homes shall be of fireproof construction.
- c. *Violations.* All nursing homes shall comply with State law and any violation of such laws or regulations thereunder shall constitute a violation of this Code.
(1972 Code § 16-10.23)

14-11 ADMINISTRATIVE PROVISIONS.

14-11.1 Planning Director to Be Public Officer.

The Planning Director is hereby designated to serve as the Public Officer hereunder and all inspections, regulations, and enforcement, unless expressly stated to the contrary, shall be under his/her direction and supervision. He/she may appoint or designate such other public officials or employees of the Township to perform duties as may be necessary to the enforcement of Chapter XIV and Chapter XXV, including conducting inspections. (1972 § 16-11.1; Ord. No. 1690-00 § 5; Ord. No. 1925-04 § II)

14-11.2 Inspections.

- a. *Buildings Subject to Inspection Times.*
 1. Residential. Buildings and premises subject to this Code are subject to inspections from time to time by the Enforcing Officer of the Township. At the time of inspections, all rooms in the building and all parts of the premises must be available and accessible for inspections and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections. Inspections shall be made between 8:00 a.m. and 4:00 p.m. unless one of the following conditions exists:
 - (a) The premises are not available during the foregoing hours for inspections.
 - (b) There is reason to believe that violations are occurring on the premises which can only be apprehended and proven 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 requiring inspection and abatement without delay.
 2. Nonresidential. Buildings and premises subject to this Code are subject to inspection from time to time by the Enforcing Officer. At the time of such inspections, all rooms and parts of the premises must be available and accessible for such inspections, and the owner and operator are required to provide the necessary arrangements to facilitate such inspections. Inspections shall be made during regular open hours of the business occupying the premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.
- b. *Identification and Conduct of Inspectors.* Inspectors shall be supplied with official identification and, upon request, shall exhibit such identification when entering any dwelling unit, rooming unit or any part of any premises subject to this Code. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.
- c. *Where Entry by Inspectors is Refused.*
 1. Penalties. Where the Public Officer or his/her agent is refused entry or access or is otherwise impeded or prevented by the owner or operator from conducting an inspection of the premises, such person shall be in violation of this Code and subject to the penalties hereunder.
 2. Search Warrant or Access Warrant. In addition to the provisions of this subsection, the Public Officer may, upon affidavit, apply to the Judge of the Municipal Court for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this Code exists on the premises, and if the Judge of the Municipal

Court is satisfied as to the matter set forth in the affidavit, he/she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. Warrant for access may be issued by the Judge of the Municipal Court upon affidavit of the Public Officer establishing grounds thereof pursuant to subsection 14-16.4. (1972 Code § 16-11.2)

14-11.3 Procedure Where Violation Discovered.

Where any property owner is in violation of any provision of Chapter XIV and Chapter XXV, the Zoning Officer and/or any property maintenance inspector may serve summon(es) immediately upon the property owner of record, tenant, occupant, management company, partnership, receiver, mortgagee, corporation, individual or persons and/or other person or entity involved in the conduct of the prohibited activity. (1972 Code § 16-11.3; Ord. No. 1690-00 § 2; Ord. No. 1925-04 § II)

14-11.4 - 14-11.14 Reserved.*

14-11.15 Public Officer May Act as Custodian.

In addition to other remedies provided herein, where the Public Officer has issued an order requiring the abatement of the nuisance, correction of a defective condition or the maintenance of the premises in a proper condition so as to conform to the ordinances of the Township and laws of the State applicable thereto, and the owner, operator, lessor or agent charged with the premises has failed to comply therewith, the Public Officer may for the purposes of correcting any of the foregoing conditions, act as custodian of any building or structure, and as custodian, enter into and take charge of the premises and supervise the abatement of any nuisance, correction of defect or placing of the premises in compliance with Municipal ordinances and State laws. For the performance of the duties of custodian, the Township shall receive from the owner, operator and/or occupant of the premises, reimbursement of all expenses and costs, including all reasonable legal fees and expenses as shall be approved by the Township Council. Any custodian designated shall be paid a fee not to exceed one hundred fifty (\$150.00) dollars per day plus costs and expenses, as approved by the Council. Same shall be certified and collected as provided in subsection 14-11.10. This is in addition to the lien on the property for any necessary materials and repairs. (1972 Code § 16-11.15; Ord. No. 1715-00)

14-11.16 Appointment of Receiver.

Where the owner, operator or lessor of the building is required to register under Section 14-18 violates this Code or any other Municipal ordinance pertaining to the structure or fails to abate any violation of this Code or violates an order of the Public Officer with respect thereto, the Public Officer, upon resolution duly approved by the Township Council, may commence an action in the Superior Court seeking appointment of the Public Officer as receiver ex officio of the rents and income from the property. The rents and income shall be collected by the receiver and shall be expended and allotted to secure compliance with the ordinances of the Township and laws of the State as set forth in the order of the Public Officer, to be utilized to defray such costs and expenses of the receivership as may be adjudged by the Superior Court; and be applied towards payment to the Township of any fines or penalties with costs which may have been imposed on the owner, operator or lessor

***Editor's Note:** Former subsections 14-11.4 through 14-11.14, previously codified herein and containing portions of 1972 Code §§ 16-11.4 through 16-11.14 were repealed in their entirety by Ordinance Nos. 1638-99 and 1690-00.

for violation of the ordinances of the Township and which have remained unpaid. (1972 Code § 16-11.16)

14-11.17 Mortgagee as Agent.

The Public Officer, when acting as receiver, may when authorized by resolution of the Township Council, appoint as agent the holder of any first mortgage upon the premises if the mortgagee or assignee of the mortgage is a proper person and is willing to accept the appointment to serve as agent to the receiver for the purpose of collecting rent and income from the premises and manage the same. If there be no first mortgage or assignee of the mortgage, or if that person be unsuitable or unqualified for performing duties as set forth herein, or unwilling to accept appointment, the Township Council may by resolution upon recommendation of the Public Officer, designate some other person to perform the duties and functions, the agent shall account promptly to the receiver for the rents and income so collected; provided that if the mortgagee or other person so designated is derelict in collecting or accounting for rents and income or in the management of the real property, the receiver shall apply to the Court for the removal of the designated mortgagee or other person, upon notice in writing to him or her and the Court upon removing the designated mortgagee or other person in its discretion, may designate another person to collect the rents and income from the real property and manage the same and account to the receiver for the rents and income of the real property. (1972 Code § 16-11.17)

14-11.18 Fee, Receiver or Counsel.

In any receivership, no fees shall be allowed the receiver or his/her counsel for acting as the receiver or counsel. (1972 Code § 16-11.18)

14-11.19 Procedure in Respect to Receivership.

Except as otherwise provided herein, the procedure in respect to any receivership provided by this Code shall be as in the case of receiverships to secure the payment of delinquent taxes, penalties, interest, costs and expenses. (1972 Code § 16-11.19)

14-11.20 Interference with Duties of Township Officers.

Where the Public Officer has assumed responsibility as custodian, or the Township Council, pursuant to this chapter has designated a receiver, any interference with or refusal to comply with the requests of the officers in the performance of their duties as provided herein shall constitute a violation of this Code. (1972 Code § 16-11.20)

14-12 PENALTIES.

14-12.1 Fines for Violations.

A violation of any section or subsection of this Code shall be punishable by the penalty provided in Chapter I, Section 1-5 unless otherwise stated.

In addition to the other fines and sanctions which may be issued by the Court, the Court may assess a monetary penalty of up to two hundred fifty (\$250.00) dollars per violation which shall be dedicated and forwarded to the Safe Housing Reward Fund. This Fund shall be maintained by the Chief Financial Officer or Comptroller of the Township of West Orange.*

(1972 Code § 16-12.1; Ord. No. 1741-01 § II)

***Editor's Note:** See Section 2-76 for the provisions for the Safe Housing Reward Fund.

14-12.2 Fine as a 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, operator or lessor of any building or structure in the Township required to be registered, pursuant to Section 14-18 herein, for violation of any Township ordinance or any State law applicable to the Township the fine or penalty shall be collectible as a lien against the premises and in addition thereto shall be collectible pursuant to the procedures for appointment of a receiver as set forth in Section 14-11 hereof, in addition to any other remedies now provided by law. (1972 Code § 16-12.2)

14-12.3 Additional Penalties for Illegal Occupancies.

- a. Any tenant who receives a notice of eviction pursuant to section 3 of P.L. 1974, c. 49 (N.J.S.A. 2A:18-61.2) that results from code enforcement activity for an illegal occupancy, as set forth in paragraph (3) of subsection g. of section 2 of P.L. 1974, c. 49 (N.J.S.A. 2A:18-61.1), shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six (6) times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section.
- b. In addition to the liability for the payment of relocation assistance set forth in paragraph a. of this section, the Municipal Court may impose an additional fine for a housing code violation for an illegal occupancy, up to an amount equal to six (6) times the monthly rental paid by the displaced person, to be paid to the municipality by the owner-landlord of the structure.
- c. In addition to the penalties set forth above in paragraphs a. and b. of this section, for a second or subsequent violation for an illegal occupancy, and only after affording the offending owner-landlord an opportunity for a hearing on the matter, the Municipal Court may impose on the owner-landlord a fine equal to the annual tuition cost of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to "the penalty enforcement law," N.J.S.A. 2A:58-10 through 12. The tuition cost shall be determined in the manner prescribed for nonresident pupils pursuant to N.J.S.A. 18A:38-19, and the payment of the fine shall be remitted to the appropriate school district. The Municipal Court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.
- d. For the purposes of this section, the owner-landlord of a structure shall exclude mortgagees in possession of a structure through foreclosure. Also for the purposes of this section, a "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of distinct and separate code enforcement activities, and shall not include any continuing violations for which citations are issued by a code enforcement agent during the time period required for summary dispossession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction.
(Ord. No. 1785-01 § 1)

14-13 EXISTING OFFENSES AND VIOLATIONS NOT DISCHARGED.

The repeal of any provisions of any other ordinances by this Code shall not affect any action for prosecution or abatement under any such ordinance of any notice, complaint or order issued by an officer or agency of the Township prior to September 15, 1964, or concerning which any prosecution or other steps of enforcement have been taken or are being

taken within any administrative agency or in the Municipal Court for enforcement thereof. (1972 Code § 16-13)

14-14 POWERS AND DUTIES OF PUBLIC OFFICER.

14-14.1 Adoption of Rules and Regulations by Public Officer.

The Public Officer is hereby authorized and empowered to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this Code, provided that such rules and regulations do not conflict with this Code and conform to the general standards prescribed by this Code. The Public Officer shall file copies of the rules and regulations with the Township Clerk, Health Officer, Town Engineer and Fire Chief, and shall make available in the Public Officer's office a copy for inspection by members of the public during regular business hours. The rules and regulations shall have the approval of the Health Officer, Town Engineer and Fire Chief, respectively, where the provisions thereof relate to matters which are also in the jurisdiction of any supervision of each officer. In case of conflict, the rules or regulations may be promulgated by direction of the Mayor. The rules and regulations shall have the same force and effect as the provisions of this Code and the violations thereof shall be enforced as violations of the express provisions of this Code, as herein provided. (1972 Code § 16-14.1)

14-14.2 Power to Vary or Modify Provisions of this Code.

The Public Officer shall have the power to withhold strict enforcement of the requirements of this Code upon written application therefor by an owner, operator or occupant, after making determination that any variation or modification of structure or use approved by the Public Officer will not in any material way alter the standards of this Code and cannot affect detrimentally the health or safety of occupants of the premises or the health, safety or welfare of the occupants or owners of adjacent premises or of the neighborhood. The strict enforcement would constitute an undue and unnecessary hardship on the owner, operator or occupant because it would compel expenditures on the premises which would be substantially disproportionate to any benefit to health, safety or welfare that might be derived therefrom. The owner, operator or occupant is without any practical or feasible means to comply with the strict provisions of this Code, and premises subject to this Code are contemplated for acquisition or are within an area where acquisition is contemplated by a public agency having the power of eminent domain and that there is a reasonable likelihood that the premises will be acquired within a period of two (2) years, and that the strict enforcement of the provisions of this Code would require the installation of repairs and improvements estimated to exceed three hundred (\$300.00) dollars in cost and that there is an alternative means satisfactory to the Public Officer to be used, which will eliminate violations of this Code constituting hazards to the health, safety and welfare of the occupants of the premises and persons in the immediate vicinity thereof; provided that any waiver of the provisions of this Code permitted under this subsection shall be canceled and the Public Officer shall strictly enforce the Code if it shall be ascertained subsequent to the granting of the waiver that the premises are in fact not to be acquired for any public use or purpose.

- a. *Right to Hearing Where Application Denied.* Upon denial of any application, the owner, operator or occupant may request a hearing which shall be held in accordance with provisions of subsection 14-11.6.
- b. *Application Not to Constitute Defense or Stay.* The application shall not constitute a defense of any violation of this Code concerning which any proceedings are pending in the Municipal Court when the application is filed nor shall any variance or modification allowed hereunder constitute a vested right against any ordinance

enacted hereinafter by the Township Council compelling strict enforcement of any provisions of this Code.

- c. *Record of Variations or Modifications Granted.* Where variations or modifications are approved of any section of this Code by the Public Officer or by action of any court, a written record thereof stating the name of the applicant, the address of the premises, the variation or modification approved, date of approval, and the reasons therefor, satisfying the provisions contained herein, shall be prepared by the Public Officer and filed both under the section or sections of this Code to which the variation or modification applies and under the address of the premises, and such files shall be available for public inspection in the office of the Public Officer during regular business hours.
(1972 Code § 16-14.2)

14-14.3 Annual Review of Code Provisions and Operations.

The Public Officer shall in the month of December of each year review with the Fire Chief, Health Officer, Township Engineer, Business Administrator and Township Council, the procedure and operation of this Code, and report to the Mayor and Township Council on or before January 1:

- a. Any recommended amendment, addition or modification of provisions of this Code consonant with the field experience of the personnel charged with enforcement.
- b. A summary of the enforcement experience indicating number of violations abated, number of cases processed in the Municipal Court, number of inspections made and such other and further pertinent information as will provide the Mayor and Township Council with an annual account of progress in securing the standards required by this Code.
- c. Any further recommendations as to how the Code and the procedure and operations thereunder can be improved.
(1972 Code § 16-14.3)

14-15 INSPECTION AND STATUS REPORTS FOR USE BY INTERESTED PARTIES.

14-15.1 Application for Inspection.

Whenever an owner, operator, occupant, prospective purchaser, mortgagee or prospective occupant shall apply to the Public Officer for an inspection in order to ascertain if any section of this Code has been violated, the Public Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violations of this Code on the premises. The applicant for such inspection shall state in writing his/her full name, residence and the reasons and basis for which the inspection is requested. The Public Officer may deny the application for failure to comply with this requirement. (1972 Code § 16-15.1)

14-15.2 Application for Status Report.

Where, in lieu of an inspection, an owner, operator, occupant, lessee, prospective occupant requests a status report as to whether or not there are any known violations presently pending on the 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. (1972 Code § 16-15.2)

14-15.3 Significance and Scope of Inspection or Status Report.

No inspection report issued under subsection 14-15.1, or status report under subsection 14-15.2 shall be construed as providing a defense against any violation of this Code or any other ordinance of the Township which may be discovered thereafter, whether or not the condition or violation existed at the time of any such inspection or status report. 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 Code. The inspection or status report shall include only such matters as are embraced in this Code. (1972 Code § 16-15.3)

14-15.4 Inspection and Status Report Fees.

The fee for any inspection made under subsection 14-15.1 shall be ten (\$10.00) dollars for dwellings of ten (10) or less dwelling units or rooming units, and fifty (\$50.00) dollars additional for each unit in excess of ten (10) and the fee for any status report under subsection 14-15.2 shall be two (\$2.00) dollars. (1972 Code § 16-15.4)

14-16 CERTIFICATE OF NECESSITY.

14-16.1 - 14-16.2 Reserved.*

14-16.3 Issuance of Certificates; Conditions.

If the Public Officer determines that access is necessary to accomplish or complete repairs or improvements necessary for compliance with this Code, then the Public Officer 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 the certificate shall operate, precautions to be taken to avoid damage and, where the Public Officer deems proper, that a bond be procured at the expense of any of the persons seeking access to secure the adjoining property against damage to persons or property arising out of such rights of access. The bond shall not exceed in amount ten thousand (\$10,000.00) dollars 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 Public Officer. (1972 Code § 16-16.3)

14-16.4 Procedure Where Access Refused.

Any refusal to comply with this section or any interference with access to premises pursuant to a Certificate issued hereunder, shall be a violation of this Code, and in addition to penalties provided hereunder, the Public Officer may, upon affidavit, apply to the Judge of the Municipal Court for a warrant under the procedure set forth in subsection 14-11.2c,2 authorizing access to the premises under appropriate conditions and circumstances as provided under subsection 14-16.3. (1972 Code § 16-16.4)

14-17 BUILDING UNFIT FOR HUMAN HABITATION OR OCCUPANCY OR USE.

***Editor’s Note:** Former subsections 14-16.1 and 14-16.2, previously codified herein and containing portions of 1972 Code §§ 16-16.1 and 16-16.2 were repealed in their entirety by Ordinance No. 1715-00.

14-17.1 Finding of Unfitness.

When the Public Officer on his or her own or his or her designee makes preliminary findings pursuant to subsection 14-17.6, the Public Officer shall make an inspection of any building believed to be unfit for human habitation or use. (1972 Code § 16-17.1; Ord. No. 1715-00 § 8)

14-17.2 Basis for Findings of Unfitness.

In making a determination of whether a building is unfit for human habitation or use, the Public Officer shall determine whether by reason of violations of this Code existing in the building or on the premises that continued occupancy of the building shall not endanger and jeopardize the health and safety of the occupants or persons in the vicinity of the premises, and to that end he/she may consider, among other factors:

- a. Whether the premises are so structurally defective that there is a risk of collapse or of loose materials falling and injuring persons in and around the building.
- b. Whether by reason of inadequate ventilation there is a danger of communicable diseases being contracted and spread in and among the occupants or persons in the vicinity of the premises.
- c. Whether by reason of infestation or defective condition of plumbing or the lack of maintenance of halls, floors, walls or other parts of the premises, conditions exist which are conducive to the contracting and spreading of diseases.
- d. Whether by reason of electrical wiring, conduits or equipment, heating or cooking facilities, or lack of proper means of egress, there is danger of fire, or in the case of fire, inadequate means of egress.
- e. Whether premises are deficient in one (1) or more essential utilities, including public sewer, water supply or electricity.
- f. Where premises were not designed or constructed for human habitation, whether by reason of the same, occupancy constitutes an unnecessary hazard to safety health.
- g. Whether premises are in violation of the Uniform Construction Code. See N.J.A.C. § 5:23-2.32, et seq. (1972 Code § 16-17.2; Ord. No. 1715-00 § 9)

14-17.3 Determination as to Habitability.

After the Public Officer makes a determination as to whether a building is unfit for human habitation or use, he or she shall make an order based on an evaluation of health and safety factors for the use of the premises as follows:

- a. That occupancy of all or part of the building be permitted for a limited period of time not to exceed thirty (30) days, upon condition that all violations received in the order are corrected or abated within that time and if not corrected or abated, the premises be vacated within ten (10) days thereafter.
- b. That the building or any part thereof be ordered vacated within a specified period not to exceed thirty (30) days; entrance prohibited and signs or notices that occupancy is prohibited be posted prominently at all the entrances of the building; and that the order continue in effect until the conditions are abated and the order revoked as provided herein. The order may prohibit occupants from paying and the owner and operator from receiving rent or other compensation for use of occupancy while it remains in effect.

- c. That by reason of the complete state of disrepair and the disproportionate investment required to restore the building to habitable conditions and the danger that the premises constitute, even while vacant, a threat to the health or safety of persons on or near the premises, that the improvement of the building is impracticable and continuance of the building vacant constitutes a danger to the health, safety and well being of the neighborhood whereon the building is to be ordered vacated and demolished within a period of time not to exceed sixty (60) days, unless the owner after having the premises vacated, consents where no emergency exists, in writing, to rehabilitate the building so that it complies in all respects with this Code within six (6) months and provides, if required by the Public Officer to put the premises up for sale on terms, conditions and limitations which would provide a reasonable expectancy of securing the rehabilitation of the building thereon within a reasonable period of time, and further agrees that if a sale does not occur within the time specified, the Public Officer may thereafter demolish the building without further notice or proceedings.
- d. If upon inspecting the premises the Public Officer finds any of the conditions sited in subsection 14-17.2, the Public Officer may declare the building unfit and take whatever actions are reasonably necessary to insure provisions of this Code are being complied with.
(1972 Code § 16-17.3; Ord. No. 1715-00 § 10)

14-17.4 Compliance with Order and Reinspection.

When the premises are ordered vacated, all doors to the exterior will be locked and entrance prohibited. Conditions and the violations complained of shall be corrected within thirty (30) days. Thereafter the owner or occupant affected thereby may request a reinspection which shall be provided upon the payment of a reinspection fee of one hundred (\$100.00) dollars. Based on the reinspection, the Public Officer shall either issue and order which shall revoke the previous order and permit from an occupancy or state such further conditions or time limits during which additional repairs or improvements are to be made before occupancy is again permitted or order vacation and demolition as in subsection 14-17.3. Upon compliance with the conditions contained in any order, the Public Officer shall permit the signs to be removed and the premises made available again for occupancy. (1972 Code § 14-17.4; Ord. No. 1715-00 § 11)

14-17.5 Failure to Comply with Order; Premises to Constitute a Menace.

Where the owner, operator or occupant fails to comply with an order hereunder to perform in accordance with any written commitment as provided herein or remove any notice posted pursuant hereto or any lock or bar without permission of the Public Officer, he or she shall be deemed in violation of this Code and subject to penalties. In addition the Public Officer may take such steps as may be necessary to compel vacation of any premises and to post signs prohibiting occupancy. Nothing herein can be construed to permit the Public Officer to demolish any property except pursuant to an agreement under subsection 14-17.3.

Upon failure to comply with any such order, the premises shall constitute a public nuisance and the Public Officer may take such further action of the criminal and civil laws of the State through any court of competent jurisdiction as may be necessary to remove or abate the nuisance. (1972 Code § 14-17.5; Ord. No. 1715-00 § 12)

14-17.6 Vacation of Premises in Emergency.

When Public Officer makes preliminary findings that conditions on the premises constitute an immediate and substantial threats to the safety or health of occupants or persons in proximity to the premises, he or she may order and direct that the premises be vacated

immediately and signs or notice be posted prohibiting occupancy thereof, and that the premises be locked as provided in subsection 14-17.4. (1972 Code § 16-17.6; Ord. No. 1715-00 § 13)

14-18 REGISTRATION OF BUILDINGS OCCUPIED BY FIVE (5) OR MORE FAMILIES AS TENANTS OF THE OWNER.

The owner and operator and lessor of any premises within the Township occupied by five (5) or more families as tenants of the owner, operator or lessor of the premises shall, on or before January 1, 1965, upon a form provided therefor by the Public Officer and available at his office, register the premises designating thereon the name and address of the owner, the name and address of any lessor or operator other than the owner and the name and address of an agent in charge of the premises residing in the Township who may be the owner, operator or lessor, provided that establishments subject to licensing which have secured licenses pursuant to subsection 14-10.1 et seq. are hereby exempted from the requirements of this section. If there shall be more than one (1) person as owner, operator and lessor, than separate or a single combined registration may be filed as the persons may elect. (1972 Code § 16-18)

14-19 CERTIFICATE OF HABITABILITY.*

14-19.1 Certificate Required.

It shall be unlawful for any property owner, landlord or tenant to rent, lease, sublease or in any way deliver up for occupancy by any person other than an owner any building, premises, apartment, room or any other dwelling unit until a certificate of habitability has been issued by the Zoning Official or its designee ("Zoning Official") attesting to the fact that said building, premises, apartment or any other dwelling unit conforms in all regards to the provisions of this chapter. The Zoning Official or its designee, as well as the Fire Inspector or their designee shall, within five (5) days after receiving a fee of twenty (\$20.00) dollars and an application for such certificate, conduct an inspection of the dwelling unit in question and issue either a certificate of habitability, a temporary certificate of habitability or a report indicating why the certificate or temporary certificate of habitability may not be issued. No fee shall be required from any senior citizen nonprofit renter whose rents are established by regulations of the United States or the State of New Jersey and whose purposes are to provide housing for low-income and moderate-income persons. If no inspection has been made within five (5) days after a written request for the same has been filed and if the premises in question has been available for inspection during that period, then a temporary certificate of habitability shall be deemed to have been issued. A certificate of habitability once issued shall remain in effect from the date of issuance until the inspected premises again becomes vacant or the occupancy of the same changes. (Ord. No. 2049-05 § II)

14-19.2 Temporary Certificate.

Upon inspection of any building, premises, apartment or any other dwelling unit, the Zoning Official or its designee, upon finding that the dwelling unit contains only minor violations of this chapter which are not hostile to the health, safety and welfare of a prospective tenant so as to prohibit occupation by the same, may cause to be issued a temporary certificate of habitability which shall be conditioned upon the property owner's,

***Editor's Note:** Former Section 14-19, Certificate of Habitability, previously codified herein and containing portions of 1972 Code §§ 16-19.1 through 16-19.11 and Ordinance Nos. 414-77, 648-82 and 1291-94 was repealed in its entirety by Ordinance 1715-00.

landlord's or tenant's complying with the provisions of this chapter within a reasonable period of time not to exceed thirty (30) days from the issuance of such temporary certificate. Upon compliance by the property owner with the provisions of this chapter, the Zoning Official shall issue the permanent certificate of habitability at no additional fee. This permanent certificate of habitability shall be effective for the same period of time as if issued as set forth in subsection 14-19.1 above. (Ord. No. 2049-05 § II)

14-19.3 Application.

The property owner, landlord or tenant who requires a certificate of habitability shall file a written application for the same with the Zoning Official. The application shall contain the name of the applicant, the address of the applicant, the address of the property to be rented or occupied, a description of the property to be rented or occupied, the telephone number of the applicant and, if available, the name and current address of the proposed occupant or occupants. If any of said owners, landlords, tenants or occupants shall be less than eighteen (18) years of age, then the application shall also contain the name, address and telephone number of the parent or guardian of said person. The application shall also contain such other and further information as the Zoning Official deems necessary. If the name of the occupant or occupants is not available at the time the application is made, then the property owner, landlord or tenant who filed the application shall supply the names of the same (and, if required, the parent or guardian of the same) within fifteen (15) days of the date when said information is acquired by said property owner, landlord or tenant. If said names are not filed with the Zoning Official within sixty (60) days of the date of issuance of the permanent or temporary certificate of habitability, said certificate shall become null and void of no force and effect. (Ord. No. 2049-05 § II)

14-19.4 Contents; Delivery; Failure to File.

- a. A certificate of habitability, if one is issued, shall contain, in addition to the statement that the premises do comply with the provisions of this chapter, the maximum number of persons that may lawfully occupy the premises covered by the certificate.
- b. Upon the renting of the premises involved, the renter or the authorized representative of the same shall have a copy of the certificate of habitability signed by the tenant and shall give a copy of the certificate of habitability or temporary certificate of habitability to the tenant and return a signed copy to the Zoning Official. A renter or the authorized representative of the same may not rent, offer to rent or offer to permit occupancy of any premises without obtaining the required signature. The tenant's signature on the permanent or temporary certificate of habitability shall be prima facie evidence of the knowledge of the occupant of the facts set forth in the certificate and may be used to prove said knowledge. The failure of the property owner, landlord or tenant to file such receipt with the Zoning Official within thirty (30) days of occupancy by the occupants is a violation of this section.
(Ord. No. 2049-05 § II)

14-19.5 Failure to Comply; Violations and Penalties; Costs of Relocation.

- a. Upon conviction of any violation of any provisions of this section, the Municipal Court of the Township of West Orange shall impose fines and penalties in accordance with Chapter I, Section 1-5 of the Revised General Ordinances of the Township of West Orange.
- b. If the provisions of this section are not met and the Township of West Orange is subsequently required to relocate the tenant or tenants of the dwelling unit involved, the owner or the tenant, or both, shall be liable for all costs of relocation paid by the

Township of West Orange even if such payments may be greater than those required under applicable State or Federal law.
(Ord. No. 2049-05 § II)

14-20 RESERVED.*

***Editor's Note:** The power to adopt a Housing Code is contained in N.J.S.A. 40:49-5.1 et seq.

***Editor's Note:** Former subsections 14-11.4 through 14-11.14, previously codified herein and containing portions of 1972 Code §§ 16-11.4 through 16-11.14 were repealed in their entirety by Ordinance Nos. 1638-99 and 1690-00.

***Editor's Note:** See Section 2-76 for the provisions for the Safe Housing Reward Fund.

***Editor's Note:** Former subsections 14-16.1 and 14-16.2, previously codified herein and containing portions of 1972 Code §§ 16-16.1 and 16-16.2 were repealed in their entirety by Ordinance No. 1715-00.

***Editor's Note:** Former Section 14-19, Certificate of Habitability, previously codified herein and containing portions of 1972 Code §§ 16-19.1 through 16-19.11 and Ordinance Nos. 414-77, 648-82 and 1291-94 was repealed in its entirety by Ordinance 1715-00.

***Editor's Note:** Former Section 14-20, Smoke Detectors, previously codified herein and containing portions of 1972 Code §§ 16-20.2 through 16-20.7 and Ordinance No. 579-80 was repealed in its entirety by Ordinance No. 1715-00.

***Editor's Note:** Former Section 14-20, Smoke Detectors, previously codified herein and containing portions of 1972 Code §§ 16-20.2 through 16-20.7 and Ordinance No. 579-80 was repealed in its entirety by Ordinance No. 1715-00.