

HOUSING STANDARDS

Chapter 39

HOUSING STANDARDS

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[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 9-11-74. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Health — See Ch. 3.
Fire Department — See Ch. 8.
Building construction — See Ch. 26.
Electrical standards — See Ch. 33.
Fire prevention — See Ch. 35.
Boarding homes for children — See Ch. 61.
Public health nuisances — See Ch. 64.
Plumbing — See Ch. 65.

Be it ordained by the Mayor and Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey:

§ 39-1. Definitions and word usage.

- A. Word usage. Whenever the words "dwelling," "dwelling unit," "flat," "semidetached house," "row- house," "apartments," "living unit," "rooming house," "hotel," "motel," "rooming unit," "boardinghouse" or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."
- B. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

BASEMENT — That portion of a building located partly underground but having one-half ($\frac{1}{2}$) or more than one-half ($\frac{1}{2}$) of its clear floor-to-ceiling height above the average grade of the adjoining ground.

BATHROOM — A room which has a floor area, including fixtures, of at least thirty-five (35) square feet, and which contains a minimum of one (1) flush water closet, one (1) wash basin and one (1) bathtub or shower stall.

(Cont'd on page 3903)

BOARDINGHOUSE — Any private dwelling or dwelling unit where the owner, tenant or operator thereof is engaged in keeping one (1) or more roomers or boarders who are not husband or wife, son or daughter, mother or father or sister or brother of the owner, tenant or operator, and in serving food to some or all of such lodgers for a part of a day or longer period under expressed contract or rate of payment.

CELLAR — That portion of a building located partly or wholly underground and having more than one-half ($\frac{1}{2}$) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING — Any building or structure or part thereof which is wholly or partly used or intended to be used for toilet and bathing needs, living, sleeping and cooking by human occupants.

DWELLING UNIT, APARTMENT, FLAT, LIVING UNIT or other similar designation — Any room or group of rooms located within a dwelling or building and forming a single habitable unit, for one (1) or more persons, for the purpose of living, sleeping or cooking and toilet and bathing needs.

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

HEALTH OFFICER — The legally designated "Health Officer" of the Borough of Helmetta or his authorized representative.

INFESTATION — The presence, within or around a dwelling, of any insects, rodents or other pests.

MULTIPLE DWELLING OR APARTMENT HOUSE —
Any dwelling containing more than two (2) dwelling units.

OCCUPANT — Any person, over one (1) year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling, dwelling unit, rooming unit, apartment, flat or living unit.

OPERATOR — Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

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

- (1) Shall have legal title to any dwelling, dwelling unit, hotel, motel, rooming house, rooming unit or boardinghouse, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any dwelling, dwelling unit, hotel, motel, rooming house, rooming unit or boardinghouse as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and the rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

PERSON — Any individual, firm, corporation, association, partnership or other entity.

PLUMBING — All of the following supplied piping, facilities and equipment: the house sewer from the septic

tank, cesspool, curb or property line to the building foundation; the water service from the curb or property line to the building foundation, or from the well to the building foundation; the system of soil, vent and waste pipes from their connection at the foundation to the house sewer, to their connections to the various plumbing fixtures, and to their termination through the roof: all hot and cold water lines in the dwelling or building, every plumbing fixture, trap, floor drain, or any fixture directly or indirectly connected to the plumbing system; the gas piping from the gas meter to the connections to the various gas appliances and any other similarly supplied fixtures; together with all connections to water, sewer or gas lines, and any other installed receptacles or devices which are supplied with water or which receive or discharge liquid waste or sewage into the drainage system with which they are directly or indirectly connected.

ROOMING HOUSE — Any dwelling or part of any dwelling containing one (1) or more rooming units in which space is let by the operator to one (1) or more persons who are not husband or wife, son or daughter, mother or father or sister or brother of the owner or operator or of the spouse of the owner, tenant or operator.

ROOMING UNIT — A room or group of rooms containing no cooking facilities, forming a single habitable unit used or intended to be used for living and sleeping and having a private bathroom or the use of a common bathroom with other "rooming units" in the same building, within the meaning of this chapter.

RUBBISH — All combustible and noncombustible waste material except garbage, and the term shall include boxes, barrels, sticks, stones, bricks, bottles, cans, metal drums, iron pipe, old sheet metal, old furniture, unused motor

vehicles and boats, auto parts, tires, unused bicycles and bicycle parts, filth, junk, trash, debris and old lumber or firewood, unless such lumber or firewood is neatly stacked or piled on supports or a platform at least eight (8) inches above the ground. It shall also include weeds or grass that have attained a growth of more than ten (10) inches in height. It shall also include divers and sundry articles which the Health Officer, in his judgment, shall declare to be rubbish.

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

§ 39-2. Inspections.

The Health Officer is hereby directed to make inspections to determine the condition of dwellings, dwelling units, hotels, motels, rooming units, boardinghouses and premises located in the Borough of Helmetta in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Health Officer is hereby authorized to enter, examine, inspect and survey at any time deemed necessary by him all dwellings, dwelling units, hotels, motels, rooming units, boardinghouses or their premises, and the person in charge thereof shall give the Health Officer or his agent free access at all reasonable times for the purpose of making such inspection, examination and survey. Every occupant of a dwelling, dwelling unit, hotel, motel or rooming unit shall give the owner thereof or his agent or employee access to any dwelling, dwelling unit or rooming unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or other ordinances in force in the Borough of Helmetta or of statutes pertaining to health in the State of New Jersey.

§ 39-3. Enforcement: service of notices and orders.

- A. Whenever the Board of Health¹ of the Borough of Helmetta or the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, notice of such alleged violation shall be given to the person or persons responsible therefor as hereinafter provided. Such notice shall:
- (1) Put in writing the various violations and sections and paragraphs violated.
 - (2) Allow a reasonable time to abate or correct such violations, not to exceed sixty (60) days from the date of such notice.
 - (3) Be served personally on the owner or occupant or be sent by registered mail to the owner's last known address, or be posted on the building where the violations occur, or be served by any other method authorized under the laws of this state.
- B. At the expiration of the time given to abate a nuisance or correct a condition as set forth in any notice of violation where a reasonable effort, in the discretion of the Health Officer, has not been made by the owner or occupant to abate or correct the violations enumerated, the Health Officer shall summon such person or persons before the Municipal Court² of the Borough of Helmetta or any other court having jurisdiction.
- C. Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without written notice or hearing,

¹ Editor's Note: See Ch. 3, Board of Health.

² Editor's Note: See Ch. 6, Court, Municipal.

issue a verbal order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Any person to whom such an order is directed shall comply therewith immediately.

§ 39-4. Requirements relating to safety, sanitation and aesthetic maintenance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, hotel, motel, rooming house or boardinghouse, for the purpose of living therein, which does not comply with the following requirements:

- A. Every foundation shall adequately support the building at all points, shall be kept in good repair and shall be free of breaks, holes or cracks which makes the building unsafe to occupy or which admits rain, cold air, dampness, rodents, insects or vermin, and any exterior parts thereof subject to corrosion or deterioration shall be kept well painted.
- B. The outside building walls shall not have any holes, loose boards or any broken, cracked or damaged finish which admits rain, cold air, dampness, rodents, insects or vermin.
- C. Every exterior door, window and cellar or basement entrance shall be reasonably weathertight, watertight and rodent-proof and shall open and close easily, and their locks, hinges, pulleys and hardware shall be kept in good repair.
- D. All interior walls and ceilings shall be so constructed and maintained that there shall not be any cracks, voids, holes, loose paper, peeling paint or loose trim which shall pro-

vide a harborage for insects or vermin. Wallpaper or paint shall cover the entire wall or ceiling on which it is placed. No person shall paper or paint an interior wall or ceiling without first having removed all the old paper and thoroughly cleansed said walls and ceilings.

- E. Every roof, roof gutter, flashing, rain conductor and roof cornice shall be weather and raintight, and shall be kept in good repair.
- F. All exterior wood surfaces shall be reasonably protected against the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion.
- G. The floor of every room and porch and every inside and outside stair and their supports and every appurtenance thereto shall be so constructed and maintained as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in good repair and sound condition. The floors of every room shall not have any holes, loose boards or cracked, broken or worn-through spots in such floor coverings.
- H. Every foundation, floor, and wall of a dwelling shall be free from chronic dampness.
- I. Every porch, balcony, roof, and/or similar place higher than thirty (30) inches above the ground, used for egress or for use by occupants shall be provided with adequate railings or parapets; such protective railings or parapets shall be properly balustraded and be not less than three (3) feet in height.

§ 39-5. Space requirements; means of egress.

No person shall occupy or let to another for occupancy, for the purpose of living therein, any dwelling, hotel, motel, rooming house or boardinghouse which does not comply with the following requirements:

- A. Occupancy of cellars for dwelling purposes is prohibited.
- B. Every dwelling and dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) square feet of additional floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. The kitchen, bathroom, shed and porch are not to be included in total habitable area.
- C. Every dwelling and dwelling unit, hotel, motel, rooming house and boardinghouse shall provide at least four hundred fifty (450) cubic feet of air space for each adult for sleeping purposes. Children shall have at least three hundred fifty (350) cubic feet of air space for sleeping purposes. The cubic feet of air space is calculated in the room in which persons sleep and not the total habitable area.
- D. The habitable area of every dwelling and dwelling unit shall not be used for business or commercial purposes, and if so used, that area used for business or commercial purposes shall be subtracted and shall not be included in the total habitable area.
- E. Every dwelling, dwelling unit or lodging unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.

- F. A room used for sleeping purposes under the provisions of § 39-12E of this chapter shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.
- G. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Every stairway having three (3) or more steps shall be properly banistered and safely balustraded.

§ 39-6. Minimum standards for light and ventilation.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Required window area. Every habitable room shall have at least one (1) window facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room. Skylight-type windows existing on the effective date of this chapter may, if less than fifteen percent (15%) of the total floor area, be increased to fifteen percent (15%), but no skylight type window shall be installed in lieu of a window where a skylight has not previously existed.

B. Adequate ventilation required. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least fifty percent (50%) of the minimum window area size or minimum skylight-type window size as mentioned above except where there is supplied some other device affording adequate ventilation and approved by the Health Officer. Ventilation requirements for bathrooms and toilet rooms shall comply with the requirements of any Borough of Helmetta plumbing ordinance now existing or hereinafter adopted.

C. Every operable window, exterior door, skylight and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1 until October 1 of each year. Such screens shall have a mesh of not less than No. 16.

§ 39-7. Garbage, rubbish and trash.

- A. Every building, dwelling, dwelling unit and all other areas of the premises shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.
- B. All garbage kept on the outside of any building shall be kept in flytight, covered, metal or plastic or other approved material garbage containers.
- C. All garbage shall be drained of its moisture and properly wrapped in heavy paper before such garbage is placed

outside. Garbage shall be placed at the curb the morning of garbage pickup. Ashes, bottles, cans and rubbish must be placed at the curb in boxes, baskets, cans or other receptacles easily handled by the garbage man.

- D. The front, side and back yard, the driveway, walks or other parts of the outside premises of any building or on any lot on which no building is located shall not contain any boxes, barrels, sticks, stones, bricks, bottles, cans, metal drums, iron pipe, old sheet metal, old furniture, unused motor vehicles and boats, auto parts, old tires, unused bicycles or parts, filth, junk, rubbish, trash, debris or old lumber or firewood unless such lumber or firewood is neatly stacked or piled on supports at least eight (8) inches above the ground. Nor shall the grass or weeds on such premises be allowed to attain a growth of more than ten (10) inches. Shrubs and flowering woody plants shall be kept under control and shall not be allowed to grow beyond the boundaries of the premises on which a building is located. Various and sundry shacks and out-buildings, including toolhouses, storage sheds and garages, shall be repaired or improved so that they shall be aesthetically acceptable or shall be demolished.
- E. Every fence which wholly or partially encloses a premises on which a building is located must be maintained in a manner that is aesthetically acceptable, and shall not have broken posts, broken supporting members nor holes or voids in such fences.

§ 39-8. General plumbing requirements.³

- A. Every dwelling used or occupied to house individual families living separately for the purpose of living, sleep-

³ Editor's Note: See Ch. 65, Plumbing.

ing, cooking, eating, bathing and defecating must comply with the following supplied requirements: a kitchen sink, washbasin, flush water closet, bathtub or shower stall. Every kitchen sink, washbasin, bathtub or shower shall be properly connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water drawn to each fixture at a temperature of not less than one hundred twenty degrees Fahrenheit (120° F.), and to a cold water line. Families or individuals living separately in the same dwelling or building cannot share the same bathroom, nor can they share the use of a kitchen.

- B. In every hotel, rooming house and boardinghouse where separate bathroom accommodations are not supplied for each room or suite, separate bathroom accommodations shall be provided for each sex as follows: one (1) water closet, one (1) washbasin and one (1) bathtub or shower stall for each five (5) persons, or fraction thereof, who room or board therein.
- C. In hotels, rooming houses and boardinghouses where separate bathrooms are provided for each sex, the door openings to each bathroom shall be placed as to afford privacy and shall be plainly marked for male and female usage.
- D. Bathrooms in hotels, rooming houses and boardinghouses shall be located as to be accessible from a common hall or passageway to persons using the facilities. Such hall or passageway shall be directly accessible from a roomer's or boarder's rooming unit and not through any other rooming unit.
- E. Where rooming units are provided on more than one (1) floor, separate bathrooms must be provided for each sex

on each floor, except in a rooming house or boarding-house operated and inhabited by the owner. Such an establishment which has rooming units on more than one (1) floor may have one (1) bathroom in the building for both sexes if the total combined number of occupants, including both the owner's family and roomers, male and female, adults and children, does not exceed five (5). Where the combined number of occupants exceeds five (5) the bathroom facilities for the roomers shall comply with Subsections B, C and D above.

- F. Every water closet, lavatory and bathtub or shower for each dwelling unit or lodging house shall be accessible from within the building without passing through any part of any other dwelling unit or lodging unit, and in a lodging house shall be located no farther than one (1) floor above or below the lodging units served. Such water closet, lavatory and bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors or partitions that afford privacy.
- G. All water closets must flush easily and completely discharge the waste matter in a single operation. All plumbing fixtures must function perfectly at all times. The finish of toilet seats must not be chipped or cracked and shall have a smooth finish. Water closets shall be set after the finished floor is laid. There shall not be any leaking faucets, leaking or clogged traps, clogged drains, broken handles on fixtures nor anything that would cause any part of the plumbing system or fixtures to be unsanitary, inconvenient to use or in any way detrimental to the health of the individual. The plumbing fixtures and floors, walls and ceilings in bathrooms and kitchens must be kept in a sanitary condition at all times. Every water closet compartment floor and bathroom floor shall be so

constructed and maintained as to be reasonably impervious to water so as to permit such floor to be kept in a clean condition.

H. All plumbing installed in dwellings, hotels, motels, rooming houses or boardinghouses shall conform to this chapter or to any plumbing ordinance of the Borough of Helmetta now existing or hereinafter adopted, and shall be maintained in good working condition.

I. Plumbing fixtures and other facilities and their uses in kitchens of hotels and boardinghouses shall conform with the "restaurant" requirements of any plumbing ordinance or sanitary regulations of the Borough of Helmetta now existing or hereinafter adopted.

J. Owners of buildings located beyond the public sewer system that are used for human habitation and which do not have installed therein a water closet, washbasin and bathtub or shower shall, before the above mentioned plumbing facilities and the individual sewage disposal system connected therewith shall be installed, cause to be obtained a percolation test of the soil in the area of the proposed sewage disposal system. The installation of the sewage disposal system shall comply with the Helmetta Borough Individual Sewage Disposal System Code.

K. Every dwelling unit and lodging house shall be provided with a safe supply of potable water meeting the standards as set forth in "Potable Water Standards" as published by the New Jersey State Department of Health.

L. The source of such water supply shall be approved by the New Jersey State Department of Health and/or the Board of Health.

- M. The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall be not less than one (1) gallon per minute.

§ 39-9. Minimum standards for heating.

- A. It shall be the duty of every owner of a dwelling who permits to be occupied any dwelling unit or lodging unit therein, and who shall contract, undertake or agree or shall have contracted, undertaken or agreed, orally or in writing, to heat or to furnish heat for any dwelling unit or lodging unit within said borough, to furnish sufficient heat to any occupied part of such building, to maintain at all times between the hours of 6:00 a.m. and 11:50 p.m. a minimum temperature of seventy degrees Fahrenheit (70° F.), and to maintain in buildings or portions of buildings occupied as residence, at all times between the hours of 11:50 p.m. and 6:00 a.m., a minimum temperature of sixty-five degrees Fahrenheit (65° F.). The supply of heat hereinabove required shall be furnished for or to all buildings or parts thereof used for business or living purposes from the first day of October in each year to the first day of May of the succeeding year and on all other days of the year when the outside temperature falls below fifty degrees Fahrenheit (50° F.), provided that the requirements of this section shall not apply to buildings or parts thereof used for any trade or business in which high or low temperatures are essential. The term "contracted" as used in this section shall be construed to mean and include any written or implied contract, lease or letting; and the presence of any heating outlets, radiators, risers or returns in any hall, room or other part of a building shall be prima facie evidence of an implied contract. The presence of any central heating plant, furnace or

boiler under the control of the owner, lessee or person in charge of said building shall also be prima facie evidence of an implied contract.

- B. Every dwelling, hotel, motel, rooming house and boardinghouse which has a central heating system shall keep it in good repair and shall not have any leaks in the heater furnace, boiler, smoke pipes, flues, pipe fittings, valves or other appurtenances of the heating system. and shall be kept in such condition so that all habitable rooms can safely and adequately be maintained at a temperature of seventy degrees Fahrenheit (70° F.) under average winter conditions.
- C. Every dwelling, hotel, motel, rooming house and boardinghouse shall have a tight masonry chimney lined with fireclay or a chimney of other approved noncombustible material properly constructed and supported so as to avoid overheating adjacent combustible elements.
- D. Every dwelling, hotel, rooming house and boardinghouse shall be prohibited from using a room heater, heating stove, space heater or tank water heater designed for the use of kerosine, gasoline, oil, gas, wood, coke, charcoal or coal as a fuel unless it has a direct smoke pipe or flue connection to a property constructed chimney capable of carrying all the products of combustion to the outer air.
- E. Every hotel, motel, rooming house and boardinghouse shall comply with § 39-9A of this chapter as to the temperature to be kept and the hours it is to be maintained for all rooms occupied or used by roomers, lodgers and boarders.
- F. In the absence of a contract or agreement to the contrary, an owner shall be obliged to provide heat wherever heat-

ing facilities are under the control of the owner or whenever two (2) or more dwelling units are heated by a common facility.

- G. The owner shall be responsible for compliance with all provisions of this chapter not specified as the responsibility of occupants.
- H. Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least seventy degrees Fahrenheit (70° F.) when the outside temperature is zero degrees Fahrenheit (0° F.). The temperature shall be read at a height of three (3) feet above floor level at the center of the room.

§ 39-10. Minimum standards for electrical facilities.⁴

- A. Every dwelling shall be provided with electric service.
- B. Every habitable room shall contain at least two (2) separate wall-type electric convenience outlets, or one (1) such convenience outlet and one (1) ceiling- or wall-type electric light fixture. Every such outlet and fixture shall be maintained in good and safe condition and shall be connected to the source of electric power. No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, and which do not lie under rugs or other floor coverings nor extend through doorways, transoms or other openings through structural elements.

⁴ Editor's Note: See Ch. 33, Electrical Standards.

- C. Every portion of each staircase, hall, cellar, basement, landing, furnace room, utility room, and all similar non-habitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two (2) lumens per square foot [two (2) footcandles] in the darkest portions.
- D. Every portion of any interior or exterior passageway or staircase common to two (2) or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two (2) lumens per square foot [two (2) footcandles] in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two (2) dwellings units, such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.
- E. Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three (3) lumens per square foot [three (3) footcandles]. Such light shall be measured thirty-six (36) inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.
- F. Where changes have been made to the original electrical installation or where deterioration is apparent, a certificate of approval must be supplied by the owner from the Fire Underwriters. Every electrical installation, addition to or any part thereof must comply with the current revision of the National Electrical Code with a certificate supplied by the Middle Department Association of Fire Underwriters.

§ 39-11. Responsibilities of owners and occupants.

- A. Every owner and operator of a multiple dwelling or apartment house containing two (2) or more dwelling units shall be responsible for maintaining in a sanitary condition the shared or public areas of the dwelling and premises.
- B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof, which he occupies and controls.
- C. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers required by §§ 39-7B and 39-7C of this chapter.
- D. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage or any other organic waste, which might provide food for rodents, insects or vermin, in a clean and sanitary manner by placing it in the garbage storage containers required by §§ 39-7B and 39-7C of this chapter. It shall be the responsibility of the owner to provide such garbage containers for all dwelling units in a multiple dwelling containing more than two (2) dwelling units. In all other cases, it shall be the responsibility of the occupant to furnish such garbage containers.
- E. Every dwelling shall be free from rodents, vermin and insects. Every occupant, owner or operator of a dwelling shall be responsible for such extermination whenever his dwelling unit is infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insectproof condition, extermination

shall be the responsibility of the owner. Whenever infestation exists in two (2) or more dwelling units in any dwelling or in the common parts of a dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

- F. Every occupant, owner or operator of a dwelling or dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition, and shall also maintain the inside of the dwelling or dwelling unit and the outside premises over which he has control in a clean and orderly condition.
- G. No owner or occupant shall cause any services, facilities, equipment or utilities which are required under this chapter to be removed from, shut off or discontinued in any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is authorized by the public officer. In the event that any service or utility which the owner has agreed to supply is discontinued, the owner shall take immediate steps to cause the restoration of such service or utility.
- H. The owner of a dwelling located in an area found by the Health Officer to be infested by rats, insects or other vermin shall carry out such rat stoppage, verminproofing or other means of preventing infestations of said dwellings as may be required by the Board of Health.
- I. No owner shall occupy or let to an occupant any vacant dwelling unit or lodging unit unless it is clean and sanitary.
- J. It shall be the responsibility of the owner, unless otherwise provided for under lease agreement, to provide for the

orderly maintenance of the premises. The storage of objects or materials not covered in Subsections C and D of this section, or not otherwise prohibited by municipal ordinances, shall be done in an orderly manner so as not to constitute a health, safety or fire hazard.

- K. In dwellings containing no more than (2) dwelling units, it shall be the responsibility of the occupant of each dwelling unit to furnish the receptacles outside the dwelling unit as are needed for the storage of garbage and rubbish until removal from the premises. In lodging houses and in dwellings containing three (3) or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside the lodging units or dwelling units as are needed for the storage of garbage and rubbish until removal from the premises.
- L. Every occupant of a dwelling unit in a dwelling containing no more than two (2) dwelling units shall be responsible, unless provided for otherwise under a lease agreement, for the periodical removal of all garbage and rubbish from the premises each week in accordance with such regulations of this borough for the collection of garbage and rubbish.
- M. The public officer may order the owner to clean, repair, paint, whitewash or paper such walls or ceilings when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled or the plaster, wallboard or other covering has become loose or badly cracked or missing. Nothing in this subsection shall be so construed as to place upon the nonresident owner responsibilities for cleanliness contained in Subsection B of this section.

§ 39-12. Use and occupancy of space.

- A. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- B. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof. Notwithstanding the foregoing, in every lodging unit every room occupied for sleeping purposes by one (1) occupant shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least sixty (60) square feet of floor space for each occupant thereof.
- C. At least one-half ($\frac{1}{2}$) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- D. No room in a dwelling may be used for sleeping if the floor level of the room is lower than three and one-half ($3\frac{1}{2}$) feet below the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room.

- E. A room located below the level of the ground but with the floor level less than three and one-half (3½) feet below the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room may be used for sleeping, provided that the walls and floor thereof in contact with the earth have been damp-proofed in accordance with a method approved by the administrative authority and provided that the windows thereof are at least fifteen (15) feet from the nearest building or wall.

§ 39-13. Application for permit fees; general requirements for operation and maintenance.

- A. No person shall operate, manage, conduct or maintain a hotel, motel, rooming house, rooming unit or boardinghouse, as defined in this chapter, without first having obtained a license therefor in the manner herein provided.
- B. An application for a license to construct, carry on or manage the business of a hotel, motel, rooming house or boardinghouse shall be made in writing, under oath, signed by the operator, to the Board of Health on such form or forms as may be provided by the Board of Health, and shall set forth the following:
- (1) Full name and address of proprietor, manager or operator of such hotel, motel, rooming house, rooming unit or boardinghouse.
 - (2) Full name of the owner of the premises and his address.
 - (3) Location of the hotel, motel, rooming house, rooming unit or boardinghouse.
 - (4) Number and location of bedrooms to be used for rooming or boarding, and the size of each room.
 - (5) Statement as to the number of toilets, washbasins, urinals, bathtubs or showers and their location in such hotel, motel, rooming house, rooming unit and boardinghouse.
 - (6) Each application shall be referred to the Health Officer for his inspection and report to the Board of Health. The

Board of Health shall also request an investigation by the Police Department of each applicant. If the report of the Health Officer or the Police Department discloses the applicant was convicted of a crime involving morals or the sanitary regulations in this or any other municipality, no license shall be issued. If the report of the Health Officer discloses no violation of the sanitary regulations and the report of the Chief of Police is favorable, a license shall be issued by the Board of Health, which license shall be for the calendar year.

- (7) All applications for renewal of license shall be made by December 1 of the year preceding the license year.
- (8) The fee shall be fixed on an annual basis by resolution of the governing body. **[Amended 12-15-83]**
- (9) All fees shall accompany the application for the total number of roomers or boarders desired in any calendar year. No more roomers or boarders shall be allowed in any motel, hotel, rooming unit or boardinghouse in any calendar year than the number enumerated on the application. All licenses

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shall be for the calendar year and shall expire on December 31 of the year of issuance unless surrendered or revoked because of a violation of this chapter or other applicable ordinances or statutes. Surrender or revocation of any license issued, prior to the December 31 of the year of issue, shall not entitle the holder of any license thereof to reimbursement for any pro rata portion thereof. The license fees hereinabove fixed for issuance of such license is imposed for the purposes of regulation and not for revenue.

C. Each building or room licensed as a hotel, motel, rooming house, rooming unit or boardinghouse under the terms of this chapter may be inspected at any hour deemed necessary and as often as the Board of Health or Health Officer may deem it necessary. If any of the said inspections discloses a condition existing in the building tending to create a violation of the sanitary regulations, and such condition is not corrected within ten (10) days after notice in writing to the owner or operator of the said business, the Board of Health upon notice to the holder of said license may order said holder to show cause before it, on notice of not less than five (5) days, why said license shall not be revoked. Whenever the Health Officer finds that an emergency exists which requires immediate action, he may give verbal order to the owner or operator of a hotel, motel, rooming house, rooming unit or boardinghouse, and it shall have the same effect and force as a written notice and shall be complied with immediately or within the time that the Health Officer stipulates.

D. No room in any hotel, motel, rooming house, rooming unit or boardinghouse shall be so constructed that there shall be afforded less than four hundred fifty (450) cubic feet of air space for each child under twelve (12) years of age. Where the same room is used for both living and

sleeping, there shall be at least five hundred fifty (550) cubic feet of air space for each adult and four hundred fifty (450) cubic feet of air space for each child under twelve (12) years of age.

- E. Every sleeping room in a hotel, motel, rooming house, rooming unit or boardinghouse shall have a clear height between floor and ceiling of not less than seven (7) feet. In sleeping rooms with sloping ceilings, more than fifty percent (50%) of the floor area of such sleeping room must have a clear height between floor and ceiling of seven (7) feet. The least horizontal dimensions of a sleeping room shall not be less than seven (7) feet.
- F. Every room used for sleeping purposes in a hotel, motel, rooming house, rooming unit or boardinghouse shall have a window placed in an outside wall. The openable area of such window shall comply with § 39-6 of this chapter. Such window shall be constructed so that it can be opened and closed easily by the occupant of the room.
- G. All windows in hotels, motels, rooming houses, rooming units and boardinghouses in sleeping rooms, dining rooms, kitchens, halls, bathrooms and all other outside openings and outside doors shall have placed on the outside of such windows, openings or doors a full length screen of a size mesh to provide adequate ventilation while excluding mosquitoes and insects, and shall be kept in good repair; such screens shall be placed on the first day of May of each year and remain thereon until the first day of October of the same year. Those owners of such establishments who install a combination storm and screen window in which only a half window or screen is available shall comply with the meaning of this paragraph.
- H. In every hotel, motel, rooming house, rooming unit or boardinghouse, there shall be a water closet, washbasin,

urinal, bath or shower as § 39-8 of this chapter and provisions of any plumbing ordinance of the Borough of Helmetta now existing or hereinafter adopted, shall declare. All doors on toilet rooms and bathrooms shall be equipped with self-closing springs or other devices to close the door, and such doors shall be kept closed when in use or not in use. On each toilet room or bathroom door, there shall be an adequate locking device on the inside of such door so that privacy can be had by the user of the room.

- I. Clean, sanitized sheets and pillow cases shall be provided for each bed occupied in all hotels, motels, rooming units and boardinghouses and shall be changed for each occupant, and for continued occupancy shall be changed each week.
- J. In every hotel, motel, rooming house, rooming unit or boardinghouse, all wool, cotton or mixed-fabric rugs or other coarse floor coverings shall be kept in a sanitary condition. All exposed wooden floors or diverse impervious floor coverings shall be washed thoroughly with hot water and soap or detergent at least once a week, or cleansed by other methods approved by the Health Officer.
- K. In every hotel, motel, rooming house, rooming unit or boardinghouse, adequate lighting of at least twenty-five (25) watts of illumination shall be provided over the entrance, in the entrance hall and in all interior halls. Bathrooms must be provided with at least forty (40) watts of illumination.
- L. In every hotel, motel, rooming house, rooming unit or boardinghouse, garbage pails shall be cleaned thoroughly at least once a week, or more often if deemed necessary by the Health Officer.

- M. Every hotel, motel, rooming house, rooming unit and boardinghouse shall maintain heat to comply with § 39-9A of this chapter.
- N. Every hotel, motel, rooming house, rooming unit and boardinghouse shall be kept free and clean of and shall not harbor nor have on their premises, rats, mice, fleas, bedbugs, cockroaches, ants, silverfish or other insects or vermin.
- O. In every hotel, motel, rooming house, rooming unit and boardinghouse there shall not be kept, harbored or maintained in any room in such establishment or on the outside grounds or premises any rabbit, parakeet, chicken, pigeon, dog, goat, sheep, cat or any other animal, bird or fowl, unless the facilities for maintaining the same are such that an unsanitary or unsafe condition will not be created or maintained.
- P. The exterior grounds and premises of every hotel, motel, rooming house, rooming unit and boardinghouse shall be kept clean and orderly and shall comply with § 39-7A, B and C of this chapter.
- Q. No occupant of any hotel, motel, rooming house, rooming unit or boardinghouse shall cook food, keep food or have in such room the utensils for cooking food. Nor shall any occupant have a heating device in his room that does not comply with §§ 39-9C and 39-9D of this chapter.
- R. Every hotel, motel, rooming house, rooming unit and boardinghouse shall keep a daybook showing the name and permanent address of each guest and showing the room occupied by each guest. Such book shall be kept up-to-date and shall be available for inspection at all times by the Health Officer.

- S. There shall be posted in a conspicuous place in every hotel, motel, rooming house, rooming unit and boardinghouse a copy of this chapter, which copy shall be furnished by the Board of Health of the Borough of Helmetta.
- T. Every room occupied for sleeping purposes in a hotel, motel, rooming house, rooming unit or boardinghouse shall contain at least seventy (70) square feet of floor space, and every room occupied by two (2) persons for sleeping purposes shall contain at least an additional fifty (50) square feet of floor space.
- U. The owner or operator of every hotel, motel, rooming house, rooming unit and boardinghouse shall be responsible for the clean and sanitary maintenance of all floors, walls and ceilings, and for the maintenance in a clean and sanitary condition of every other part of such establishment.

§ 39-14. Posting of buildings unfit for human habitation.

Whenever the owner of a building used for human habitation fails to comply with a notice of violation to repair, alter or improve or, at the option of the owner, to vacate and close the dwelling, the Health Officer is authorized to post a sign on the building declaring it unfit for human habitation, and it shall be unlawful to use said building for human habitation thereafter until the same is repaired, altered or improved in compliance with this chapter.

§ 39-15. Transfer of owner: Board of Health certificate.

No owner, agent of owner, real estate agent or broker, firm, company, partnership, corporation or person or persons shall sell, rent, transfer, grant, lease, let, mortgage with right of occupancy or otherwise dispose of the ownership or occupancy thereof, whether or not for a consideration and whether such

disposal of ownership or occupancy be temporary or permanent, any dwelling, dwelling unit, hotel, motel, rooming house, rooming unit, boardinghouse or premises on which a building is located and is used or intended to be used for human occupancy, until a certificate of approval shall first have been obtained from the Borough of Helmetta Board of Health stating that the building and premises complies with the requirements of the Borough of Helmetta Housing Standards. Any person occupying such premises or any person, corporation, partnership, organization or agency contracting with the owner for occupancy of premises by another shall be bound by the provisions of this paragraph and the penalties imposed for the violation of the same.

§ 39-16. Violations and penalties.

Any person who shall violate any of the provisions of any section of this chapter, for the violation of which no penalty other than revocation, rescission or suspension of any license or permit or other penalty other than a fine or imprisonment is in this chapter provided as a penalty for any such violation, whether such person shall act as principal or as an agent, servant or employee of any natural person, firm or corporation, shall, upon conviction thereof, forfeit and pay a penalty not to exceed five hundred dollars (\$500.) or be imprisoned in the county jail for a period not to exceed ninety (90) days, or both, in the discretion of the court, for every such violation. Each day that any such violation shall be permitted to exist after conviction thereof shall be deemed a separate and distinct offense.

§ 39-17. Conflict of ordinances.

Nothing in this chapter shall be construed to abrogate or impair the powers of any department of this municipality or any agency of the State of New Jersey to enforce any provisions of its charter or its ordinances, codes, regulations or statutory provisions or to prevent or punish violations thereof.