

**AN ORDINANCE AMENDING AND UPDATING THE TOWNSHIP OF
PLAINSBORO CODE PROVISIONS CONCERNING THE DIVISION OF
HOUSING, MOVING SUCH CODE PROVISIONS FROM SECTION 70A TO
CHAPTER 55B IN THE TOWNSHIP CODE**

WHEREAS, Chapter 70A Housing was originally modeled after the State of New Jersey's Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.), however, it has not been updated regularly to ensure alignment with current regulations; and

WHEREAS, Plainsboro Township's Code Enforcement Department has consistently provided residents and Property Managers with outstanding inspections services; and

WHEREAS, an extensive review of Chapter 70A was conducted by staff and compared to current regulations; and

WHEREAS, any obsolete requirements, such as registration and cyclical inspections for multiple family dwellings are proposed to be deleted; and

WHEREAS, provisions relating to vacant structures and hotels have been removed, as they have been and will be relocated to other sections of the Township Code; and

WHEREAS, the proposed modifications will ensure that all residential properties being sold or rented within the Township continue to be subject to uniform and equitable enforcement; and

WHEREAS, Chapter 70A is proposed to be relocated from its current location within the Township Code Book to a new Section Chapter 55B; and

WHEREAS, similar to recent amendments to the Fire Prevention Division Ordinance #21-06 which were relocated to Chapter 55A since it is under the purview of the Code Enforcement Department; and

WHEREAS, future amendments to Chapter 55 will allow the Department to be centrally located within the Township Code Book; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Plainsboro in the County of Middlesex and the State of New Jersey as follows:

SECTION I

Chapter 70A ("Housing") shall be relocated to Chapter 55B of the Code of the Township of Plainsboro, and shall be amended as follows (deletions are struck through and additions are underlined and emboldened).

Chapter 55B. HOUSING

Article I. Administration

§ 55B-1. General application and interpretation.

- A. Purpose. The Plainsboro Housing Code is adopted:
 - (1) To establish reasonable minimum standards governing:
 - (a) residential dwellings offered for rental and resale
 - (b) multiple dwellings offered for rent
 - (2) To authorize and mandate inspections of units for rent or resale;
 - (3) To define responsibilities of owners, owners' agents, and occupants and to fix penalties for violation of this chapter.
- B. Application. This chapter shall apply to the repair, maintenance, occupancy and use of all, rentals, resales, and multiple dwellings in Plainsboro Township. It shall not supersede other codes and regulations of the Township.
- C. Interpretation.
 - (1) This chapter shall be liberally interpreted to secure the beneficial purposes thereof.
 - (2) Any conflict or inconsistency between the requirements of these regulations and applicable local, state and federal laws and regulations shall be resolved in favor of the more restrictive requirements.
 - (3) Whenever any standard or code is referred to in this chapter, the most recent edition of such shall be deemed to be incorporated herein by reference, notwithstanding the fact that such edition may have been published subsequent to enactment of this chapter in which the reference to such standard or code is contained.
 - (4) The local enforcing agency, as the term is defined in N.J.A.C. 5:18-1.5, is authorized to enforce provisions of the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq. and the Uniform Fire Code, N.J.A.C. 5:18, applicable to multiple dwellings. Code Officials, as defined by this chapter and licensed as fire inspectors, shall act as agents of the local enforcing agency inspecting non-life-hazard uses in hotels and multiple dwellings.
- D. Force and effect of regulations. This chapter shall be administered and enforced by the Plainsboro Code Enforcement Department, Housing Division.
- E. Matters covered. The provisions of this chapter shall cover all matters affecting or relating to single- and two-family residences, individual dwelling units either listed for resale or rental and shall extend to their appurtenant constructions, together with all surface and subsurface construction.

§ 55B-2. Inspections.

- A. Right of entry.
 - (1) The Code Official is authorized and directed to inspect all dwellings or dwelling units which are vacant, offered for rent or resale to determine the condition of dwellings or dwelling units and to safeguard the health and safety of the occupants and the general public. The Code Official is authorized to enter, examine and survey the premises on reasonable notice at all reasonable times for the purpose of making inspections. The owner, occupant or person in charge thereof shall give these officials free access to such dwellings on reasonable notice at all reasonable times for the purpose of such inspection, examination and survey.

(2) Every occupant of a rental dwelling or dwelling unit shall give the owner or his/her agent access to any part of the dwelling or dwelling unit, on reasonable notice at all reasonable times, for the purpose of making repairs or alterations necessary to comply with this chapter or with any lawful order issued pursuant to the provisions of this chapter or the statutes of the State of New Jersey.

B. Rental multiple dwellings.

(1) Rental. The Code Official shall inspect every unit prior to re-occupancy. All inspections and re-inspections shall take place within 10 business days of the requested inspection. Inspection fees shall be paid prior to the inspection or through escrow accounts. It shall be the responsibility of the owner or managing agent to maintain an adequate escrow balance to cover all requested inspections and re-inspections. No inspections shall take place unless adequate funds are available.

C. Rental single- and two-family units. The Code Official shall inspect every rental unit in the Township prior to re-occupancy. All inspections and re-inspections shall be completed within 10 *business* days of the receipt of the application and fee or request for re-inspection. Scheduled inspections will be canceled unless the completed application and required fees have been received by the Housing Division at least 24 hours prior to the scheduled inspection or on the last business day prior to the scheduled inspection.

D. Resale. The Code Official, prior to the finalization of the sale, shall inspect every single-family dwelling, two family dwelling, condominium and townhouse sold. All inspections and re-inspections shall be completed within 10 business days of the receipt of the application and fee or request for re-inspection. Scheduled inspections will be canceled unless the completed application and required fees have been received by the Housing Division at least 24 hours prior to the scheduled inspection or on the last business day prior to the scheduled inspection.

E. Requested inspections. The tenant or owner may request general inspections of rental units at any time. All inspections and/or re-inspections shall be completed within 10 business days of the request for inspection. The tenant, owner or owner's agent requesting the inspection shall be responsible for submitting an application and paying the required fee or fees.

F. Housing certificate of occupancy.

(1) The Code Official, upon satisfactory inspection of a dwelling or dwelling unit, shall issue a housing certificate of occupancy.

(2) Every rental dwelling or dwelling unit shall be required to have a housing certificate of occupancy issued prior to the re-occupancy of such unit. The owner or his agent shall apply for a new certificate, paying the required fee.

(a) The Code Official may, at his/her sole discretion, allow occupancy prior to the issuance of the housing certificate of occupancy for the following reasons:

[1] Minor violations of the housing ordinance. Minor violations shall not include any violation related to the inadequacy of any fire protection system, unsafe structural conditions or the locking, blocking or disrepair of a means of egress.

- [2] Absence of documentation required by this chapter that is not a fire or life safety system. Owner, manager or owner's agent(s) not providing required documentation within time designated by the Code Official, and which shall not exceed 30 days, shall be subject to penalties in accordance with this chapter.
- (3) Every dwelling or dwelling unit sold shall be required to have a housing certificate of occupancy issued prior to the finalization of a sale, unless this requirement is waived, in writing, by the Code Official pursuant to this chapter. The seller or his/her agent shall apply for an inspection, paying the required fee. The housing certificate of occupancy will be issued upon the satisfactory completion of an inspection or as otherwise specified in this chapter. A housing certificate of occupancy issued for a dwelling or dwelling unit sold shall be valid for a period of 90 days.
- (4) The Code Official may waive the housing certificate of occupancy required for dwellings or dwelling units sold under the following conditions.
 - (a) Transfer of ownership between spouses.
 - (b) Transfer of ownership between former spouses ordered as a result of a judicial decree of divorce, not including sales to third parties.
 - (c) Transfer of ownership between family members as a result of inheritance or through an executor's deed.
 - (d) Transfer of ownership through an order of the Superior Court.
- (5) Buyer's acceptance agreement.
 - (a) The purchaser of a dwelling or dwelling unit may accept responsibility for outstanding repairs or construction permits under the following conditions:
 - [1] The agreement is in writing on forms provided by the Township.
 - [2] The agreement is signed by the buyer(s) or legal representative and the Code Official.
 - [3] The repairs or outstanding permit issues are not substantial and do not affect the health, safety or general welfare of the occupant or general public.
 - [4] The buyer agrees to pay all required fee(s) and schedule any required inspections or re-inspections by either the Housing or Building Division(s).
 - [5] The buyer acknowledges that if, at the end of the period set for corrections of violations, such corrections have not been made to the satisfaction of the Code Official or construction official, the buyer shall be liable for any penalties assessed.
 - (b) The buyer agrees to complete all provisions of the buyer's acceptance agreement within a reasonable time as provided for in the agreement; the period shall not exceed six months. If extenuating circumstances provide sufficient cause, the Code Official may, at his/her discretion, grant an extension period not to exceed six months.

§ 55B-3. Maintenance requirements.

- A. Multiple dwellings, one- and two-family rental units.

(1) All buildings and parts thereof shall be maintained as required by this chapter, the Uniform Fire Safety Act, the Uniform Fire Code, N.J.A.C. 5:18, the Township Property Maintenance Code Chapter 75A and by the Township Nuisance Code at Chapter 73.

B. Violation and/or complaint reporting;

- (1) Any person may report a violation of this chapter to the Code Official. The Code Official shall inspect the violation within 10 business days of the report. If the violation constitutes an imminent danger to life and/or public safety, the Code Official shall inspect the violation within 24 hours of the report.
- (2) Whenever the Code Official determines that a violation of this chapter exists, a complaint notice shall be served upon the owner of record/tenant. Such notice shall be in writing, contain the section(s) and/or paragraph(s) of the code violated and specify the date by which the violation must be corrected or abated.
- (4) The time limit to abate the violation shall be at the discretion of the Code Official but shall not exceed (60) sixty days.
- (5) Method of service; such notice shall be deemed to be properly served if a copy thereof is;
 - (a) Personal service. Notice shall be served personally on the owner or tenant of the dwelling or common area where the violation occurred.
 - (b) Service by mail, either first class, certified or electronic mail with read receipt. (c) Service by posting notice. The Public Officer may effect service by posting a copy of the notice on the building or premises-(d) Service by other methods. Notice may be served by any other method authorized under the laws of the State of New Jersey.

C. Codes cited. Where other codes or standards are referenced in this chapter, unless otherwise noted, the most recent adopted code or standard shall be used.

Article II. Definitions

§ 55B-4. Terms defined; word usage.

A. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

ADMINISTRATIVE AUTHORITY

The Department of Code Enforcement of Plainsboro Township which is authorized to administer the provisions of this chapter.

AGENT

A person who is legally empowered to act for the owner of property by the expressed or implied authority of the owner.

APPLIANCE

A device which utilizes fuel or other energy to produce heat, power refrigeration, air conditioning or perform a specific mechanical function, including but not limited to washers, dryers, dishwashers, refrigerators etc.

APPROVED

Approved by the Housing Division of Plainsboro Township or its duly authorized representative.

The unfinished space between the ceiling assembly and the roof assembly.

BASEMENT

That portion of a building that is partly or completely below grade.

BATHROOM

Any enclosed space containing one or more bathtubs, or showers, or both, and which also may contain water closets, lavatories or fixtures serving similar purposes.

BUILDING

A structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind which is enclosed within exterior walls on all sides.

BUYER

A person or persons who buys property or a part thereof, including a single family home, a townhome or condominium unit.

CEILING HEIGHT

Vertical distance between the finished floor and the finished ceiling.

CERTIFICATE OF OCCUPANCY

The certificate provided for in this chapter.

CHIMNEY

A primary vertical structure containing one or more flues, for the purpose of carrying gaseous products of combustion and air from a fuel burning appliance to the outside atmosphere.

CODE OFFICIAL

The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDOMINIUM

The form of ownership of real property under a master deed providing for ownership by one or more owners of units, together with an undivided interest in common elements appurtenant to each such unit.

COOPERATIVE

A housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

COURT

A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

CRAWL SPACE

An underfloor space that is not a basement.

DESIGN WINTER CONDITIONS

The design temperature at the nearest locality reported in the latest edition of the Handbook of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE).

DETERIORATION

To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DOUBLE-KEYED DEADBOLT LOCK

Any locking device which requires a key to open from either side.

DUCT

A tube or conduit utilized for conveying air. The air passages of self-contained systems are not to be construed as air ducts.

DWELLING

Any building that contains one or two dwelling units used, intended, or designed to be used, rented, or leased to be occupied, or that are occupied for living purposes.

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons living as a single housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EGRESS or MEANS OF EGRESS

A continuous and unobstructed path of travel from any point in a building or structure to a public way and consists of three separate and distinct parts: the exit access; the exit; and the exit discharge. A means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, aisles and yards.

FLOOR AREA

The projected horizontal area enclosed inside of walls, partitions, or other enclosed construction.

FLUE

An enclosed passageway in a chimney to carry products of combustion to the outer air.

FRESH AIR

Outdoor air.

GARBAGE

Rubbish and refuse as defined in this section.

GRADE

A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

HABITABLE ROOM

A residential room or space, having an area exceeding 59 square feet in which the ordinary functions of domestic life are carried on, and which includes bedrooms, living rooms, studies, recreation rooms, kitchens, dining rooms, and other similar spaces, but does not include closets, halls, stairs, laundry rooms, or bathrooms.

INFESTATION

The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

KITCHEN

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

LEADER

A vertical drainage pipe for conveying stormwater from roof or gutter drains to a building house storm drain, building house drain (combined) or other means of disposal. The leader shall include the horizontal pipe to a single roof drain or gutter drain.

LIVE LOAD

All occupants, materials, equipment, constructions or other elements of weight supported in, on or by a building that will or are likely to be moved or relocated during the expected life of the building.

MANAGING AGENT

The person who may be contacted at any time and who has authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

MAINTENANCE PERSON

A person employed to provide janitorial services, make minor repairs, clean common areas, prepares rental units for re-occupancy and provide twenty-four-hour emergency service.

MECHANICAL VENTILATION

The process of introducing outdoor air into, or removing vitiated air from a building or room by mechanical means. A mechanical ventilating system may include air heating, air cooling or air conditioning components.

MINOR

Any person who is under the age of 18.

MULTIPLE DWELLING

Any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other. "Multiple dwelling" also means any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof.

"Multiple dwelling" does not include those buildings and structures that are excluded by statute.

MUTUAL HOUSING CORPORATION

A not-for-profit corporation incorporated under the laws of the State of New Jersey on a mutual or cooperative basis within the scope of the Lanham War Housing Act, 42 U.S.C. § 1501 et seq., which acquired a National Defense Housing Project pursuant to said act.

NATURAL VENTILATION

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

NEW JERSEY UNIFORM CONSTRUCTION CODE

N.J.S.A. 52:27D-119 et seq., N.J.A.C. 5:23-1.1 et seq., and subcodes adopted pursuant thereto.

NFPA

The National Fire Protection Association

OCCUPANCY

The purpose or activity for which a building or space is used or is designed or intended to be used.

OCCUPANT

Any person or persons, including guests, in actual physical possession or occupancy of a unit of dwelling space on a regular basis. For purposes of assigning specific duties or responsibilities, the term "occupant," unless the text indicates otherwise, shall mean the tenant, lessee, head of the family or household, or other adult person or emancipated minor assuming basic responsibility for the continued renting or occupancy of the dwelling space.

OCCUPIABLE ROOM

A room or space, other than a habitable room, designed for human occupancy or use, in which persons may remain for a period of time for rest, amusement, dining, shopping, storing goods or other similar purposes, or in which persons may be engaged at work.

ORDER

A directive issued by an authorized agency mandating action or forbearance.

OWNER

Any person, firm or corporation who has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or shall have charge, care or control of any dwelling or dwelling unit as owner, executor, administrator, administrative trustee or guardian of the estate of the owner. Any person representing the "owner" shall be his agent and 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. Usage of the term "owner" herein shall include and encompass the owner's agent and employee.

PARTITION

A vertical unit or assembly of materials that separates one space from another within any story of a building.

PERSON

Any individual, corporation, association, or other entity.

PLUMBING

The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, equipment and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building; also the practice and materials used in the installation, maintenance, extension or alteration of stormwater, liquid waste, or sewerage, and water-supply systems of any premises and their connection with any point or public disposal or other acceptable terminal.

PLUMBING FIXTURES

Installed receptacles, devices, or appliances that are supplied with water or which receive or discharge liquids or liquid-borne waste.

POTABLE WATER

Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Department of Health.

PREMISES

Land, improvements thereon, or any part thereof.

PROTECTIVE EQUIPMENT

Any equipment, device, system or apparatus required or permitted to be constructed or installed for the protection of occupants, intended occupants or the general public.

REFUSE

All putrescible solid waste (except body waste), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

REGULATIONS

The rules contained in this chapter.

ROOF

The topmost slab or deck of a building, either flat or sloping with its supporting members, not including vertical support.

RUBBISH

Non-putrescible solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

SELF-CLOSING

As applied to an opening protective, means a door, window, damper, or other device and its assembly that is normally kept in a closed position and that is equipped with an approved device to insure immediate closing after having been opened for use.

SHALL

As in this chapter, is to be construed as mandatory.

[Added 7-13-2016 by Ord. No. 16-10]

SHORT TERM RENTAL

Rental or lease of any primary or secondary dwelling unit or sleeping unit, in whole or part, to any person(s) for exclusive transient use for not more than 30 days, in instances where the dwelling unit is only approved for permanent residential occupancy and not approved for transient use is prohibited.

[Added 7-13-2016 by Ord. No. 16-10]

SINK

A plumbing fixture located in a kitchen area and used exclusively for food preparation operations.

SLEEPING UNIT

A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STORY

That portion of a building that is between a floor level and the next higher level or roof above.

STREET

A thoroughfare dedicated or devoted to public use by legal mapping or other lawful means.

STRUCTURE

That which is built or constructed.

TRANSIENT

Occupancy of a dwelling unit or sleeping unit for not more than 30 days.
[Added 7-13-2016 by Ord. No. 16-10]

USABLE FLOOR AREA

That part of the floor area within a unit of dwelling space that can be considered usable for general living purposes, excluding areas devoted to built-in equipment, such as, wardrobes, cabinets, closets, kitchen units, and equipment or fixtures which are not readily available for use as floor area.

VENTILATION

The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WATER DISTRIBUTION PIPING

The pipes in a building or premises that convey water from the water service pipe to the plumbing fixtures and other water outlets.

WATER SERVICE PIPE

The pipe from the water (street) main or other source of water supply to the building served.

WATER SUPPLY SYSTEM

The water service pipe, the water distribution piping, and all of the necessary connecting pipes, fittings, control valves, and appurtenances used for conveying water in the plumbing system.

WORKMANLIKE

Executed in a skilled manner, e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.

WORKMANSHIP

All work shall be conducted, installed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code.

Article III. Standards and Regulations

§55B-5. Standards; duties of owners and occupants.

A. Concurrent responsibilities.

- (1) Owners, including agents of owners and managing agents and superintendents shall have the general duties outlined herein for the maintenance of the premises, and no such person shall be relieved from any such responsibility hereunder by reason of the fact that an occupant or the person shall have similar responsibilities or shall have failed to report any violation, nor shall any such person be relieved of any responsibility by the terms or provisions of any lease, contract or agreement.
- (2) In any premises subject to either the Horizontal Property Act (N.J.S.A. 46:8A-1 et seq.) or the Condominium Act (N.J.S.A. 46:8B-1 et seq.), the council of co-owners or condominium association, as the case may be, shall have the duties of an owner as set forth in these regulations. However, any such council or association shall only be required to abate those violations which pertain either to the common areas or common

elements or which it has the right, pursuant to contract or otherwise, to require the owner of the individual dwelling unit to abate. Owners of individual dwelling units shall be responsible for the abatement of violations pertaining only to each such unit; provided, however, that the responsibilities of the dwelling unit owner and of the council or association may be concurrent.

B. Discontinuation of services.

- (1) No person shall intentionally cause any service, facility, equipment or utility which is required to be supplied under this chapter to be removed, shut off or discontinued, or knowingly allow such condition will adversely affect any dwelling space.
- (2) This section shall not be applicable to such temporary interruption as may be necessary when actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is caused by any public utility or public agency or is approved by Plainsboro Township Housing.
- (3) In the event of any discontinuation of services, repairs shall be performed expeditiously to minimize inconvenience to occupants and, to the greatest extent possible, temporary or alternate service shall be provided until permanent service can be restored.
- (4) All utility services must be operational at the time of inspections.

§ 55B-6. Duties of occupants.

A. Responsibility of occupant.

- (1) An occupant shall, in addition to complying with all provisions of this chapter applicable to him, be responsible for violations of this chapter to the extent that he has the power to prevent the occurrence of a violation or assist in abating the violation. An occupant has the power to prevent the occurrence of a violation if:
 - (a) It is caused by his own willful act or the willful act of a member of his family or household, or of his guest; or
 - (b) It is the result of his neglect or abuse, or the neglect or abuse of a member of his family or household, or his guest.
- (2) The occupant, any member of his family or household, or his guest shall, with respect to the public parts of the premises, be liable if a violation is caused by his own willful act, neglect or abuse.
- (3) Every occupant of each unit of dwelling space shall give the owner thereof or his agent or employees access to any part of the unit of dwelling space upon reasonable notification, which under ordinary circumstances shall be 24 hours for multiple dwellings, except immediately for hotels, for the purpose of making such inspection and such repairs of alterations as are necessary to effect compliance with the law and this chapter. In case of safety or structural emergencies immediate access shall be given.
- (4) All items stored by occupants in any area provided for common storage by occupants of more than one unit of dwelling space shall bear the name and dwelling unit number of the occupant storing the said item or items. It shall be the responsibility of the occupant to label each item and maintain it labeled. Materials stored in such areas shall be secured against becoming sources of infestation and shall not be placed so as to create a hazard. No flammable or other hazardous liquids or gas shall be stored within any storage area or within the dwelling unit.

B. Reporting of violations. Upon discovery by an occupant of any conditions on the premises, failure of service, or defect in any equipment, which constitutes a violation hereof, the occupant shall report the same promptly to the owner or to the managing agent having charge of the premises.

(1) Prohibited acts. No occupant or other person shall:

- (a) Create or maintain any condition constituting a violation of the Uniform Fire Code, N.J.A.C. 5:18;
- (b) Take down, obscure, alter, destroy, or in any way deface any notice, certificate or sign required by this chapter to be displayed; or
- (c) Destroy or damage protective equipment.

C. Unsafe and unsanitary conditions.

(1) Occupants shall place all garbage within the receptacles provided for garbage disposal. Where janitorial service is not required, they shall place all containers with sufficient frequency to avoid an unsanitary accumulation in the exterior area or areas set aside for the same. Garbage, rubbish 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.

(2) Occupants of each unit of dwelling space shall be responsible to the extent of their own use and activities for keeping the interior thereof safe and sanitary. Occupants shall prevent any accumulation of garbage or waste matter which may become a source of infestation or accumulation of combustible material (ex.: newspaper and books) which may constitute a fire hazard.

(3) Every occupant shall maintain all plumbing fixtures used by him in a clean and sanitary condition, shall not deposit any material in any fixture or sewer system which would cause stoppage of or damage to properly maintained fixtures or sewer systems and shall be responsible for the exercise of reasonable care in the proper use and operation of such fixtures.

(4) Occupants shall not damage, remove or destroy screens needed for the building.

(5) Every occupant of any unit of dwelling space shall be responsible for removing conditions resulting from the occupant's own activities or which may result in infestation conditions which are subject to and under his exclusive control.

(6) No occupant shall cause excessive grease, soot or other foreign matter to accumulate on side walls, ceilings or other exposed room surface by improper use of heating or cooking equipment. Cooking equipment shall be kept clean, free of garbage, food particles and grease

D. Malicious damage. Every occupant shall be liable for willfully or maliciously causing damage to any part of the premises which results in a violation of this chapter. Any adult occupants shall be responsible and liable for any violation of this section caused by minors under their care or custody occupying the same unit of dwelling space if the violations were created or permitted to continue with the knowledge or acquiescence or consent of said adult member.

E. Heating by occupant. Where any occupant undertakes, by condition of his lease, to supply his own heat through a furnace or boiler which also heats any unit of

dwelling space occupied by other persons, the said occupant shall be responsible in the same manner as the owner for supplying heat in accordance with the provisions of this chapter. Where any occupant undertakes to install heating equipment, it shall conform to the requirements of the New Jersey Uniform Construction Code. The occupant shall be responsible for maintaining such equipment installed by them in good repair and operating condition during all times that the heating equipment remains under their control.

- F. Occupancy violations of Housing Ordinance. No occupant shall occupy or permit the occupancy of any unit of dwelling space in violation of the occupancy standards established under N.J.A.C. 5:10-22 or any applicable section of Plainsboro Township Ordinances. No occupant shall cook in any unit or dwelling space except where all the required cooking facilities are installed as required under N.J.A.C. 5:10-20. No occupant shall occupy or continue to occupy a unit of dwelling space that does not have provision for bathroom and toilet room facilities as required by N.J.A.C. 5:10-21.
- G. Storage. No occupant shall utilize any area outside of his dwelling space for storage purposes except in an area designated for such use in accordance with this chapter.

§ 55B-7. General maintenance.

- A. Elimination of hazards. The owner of any vacant property, rental unit or rental dwelling shall be responsible at all times for keeping all parts of the premises, clean and free of infestation and hazards to the health or safety of occupants and/or other persons in or near the premises.
- B. Nuisances. The owner or occupant of any dwelling shall be responsible for avoiding, eliminating or abating any noises, lights, odors, radiations or vibrations or other conditions enumerated in Chapter 73 of Plainsboro Township Code, arising out of the use or occupancy of the premises which shall constitute a nuisance that is harmful or potentially harmful to the health and wellbeing of persons occupying or using the premises.
- C. Maintenance of dwellings. Every residential dwelling space, whether vacant or in a hotel, multiple dwelling, condominium rental unit, rental townhouse, or single-family rental shall be so maintained as to be fit for human use and habitation and to prevent progressive deterioration of the unit to the detriment of the health, safety and well-being of its occupants.
- D. Maintenance of exterior.
 - (1) The exterior of all vacant and rental premises and all structures thereon shall be kept free of all nuisances, insanitary conditions, and any hazards to the safety or health of occupants, pedestrians and other persons utilizing the premises, and any of the foregoing conditions 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 such conditions, which include but are not limited to the following:
 - (a) Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.
 - (b) 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. Tree stumps, which may be tripping hazards, shall be removed.

- (c) 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.
- (d) Holes, excavations, breaks, projections, obstructions, litter, icy conditions, unclean snow and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises. Holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.
- (e) Accumulations of water, vegetation or other matter which might serve as a source of food or as a harboring or breeding place for infestation.
- (f) Walks, courts and other paved areas shall be kept clean and free of litter, dirt, mud or other conditions hazardous to pedestrians.
- (g) Exception to section above all. In single-family rental units where the conditions listed above are specified in the lease as the responsibility of the tenant, the tenant shall then be responsible.

(2) All parts of the premises shall be so graded and, where necessary, provided with runoff drains and/or other means to carry off and dispose of surface waters in such a manner as to eliminate any recurrent of excessive accumulations of stormwater on the premises, without causing the accumulation of water on adjoining properties:

- (a) Parts of the premises regularly used by occupants shall drain within one hour of the termination of any storm creating surface waters;
- (b) Other parts of the premises not covered under Subsection D (1) of this section shall drain within six hours of the cessation of any such storm.
- (c) Exception to D (2) above: single-family resale and rental units.

(3) All outside contractors or concession providing services on the premises of apartment complexes, condominiums, or townhome projects shall maintain all their equipment in a safe manner. (Example: cable wiring and boxes).

(4) Outdoor swimming pools, decorative pools, reflecting pools and artificial fish ponds which contain 24 inches or more of water or having a surface area of 250 square feet or more shall be protected by a barrier conforming to the requirements of the International Building Code.

(5) Electrical hazards near swimming pools: No overhead electrical conductors shall be within 15 feet of any swimming pool. All metal fences, enclosures or railings that might become electrically charged as a result of contact with broken overhead conductors or from any other cause near, or adjacent to a swimming pool shall be grounded in accordance with the provisions of the National Electrical Code.

§55B-8. Structural maintenance.

- A. Bearing of loads. Building and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject to so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or any structural part thereof.
- B. Foundations. Foundations of all structures shall be kept, maintained and repaired to eliminate all exposed holes, cracks and other defects so that the foundation

shall be at all times capable of resisting the penetration of liquids into the building and be weather tight and serve to protect the building against infestation. They shall also be maintained to prevent or correct erosion around footings.

C. Exterior surfaces.

- (1) The exterior of every structure or accessory structure, fence or other improvement on the premises shall be kept in good repair and all exposed surfaces thereof subject to deterioration shall be protected against weathering or deterioration by a protective coating appropriate for the particular material involved as needed.
- (2) All exterior windows and window frames shall be painted with at least one coat of suitable exterior paint or other preservative as needed except where constructed of an approved atmospheric corrosion-resistant metal or other equivalent material.
- (3) The exterior surfaces shall be maintained to eliminate conditions reflective of deterioration or inadequate maintenance, such as broken glass, loose shingles, crumbling stone or brick or excessive peeling of paint.
- (4) The exterior of the building shall be free of loose material that may create a hazard by falling on persons utilizing the premises.

D. Leakage, drafts and infestation. All exterior walls, roofs, windows, window frames, doors, door frames, skylights, foundations and other parts of the structure shall be maintained as to keep water from entering the structure, to prevent excessive drafts or heat loss during cold or inclement weather and to provide a barrier against infestation. Damaged or badly worn material shall be repaired or replaced, and places showing signs of rot, leakage, deterioration or corrosion shall be treated or restored to prevent weathering or seepage.

E. Leaders and drainpipes. Leaders and drainpipes shall be securely fastened to the building and maintained in good condition, free of leaks, kept clean and free of obstructions and shall direct stormwaters into draining systems and away from the foundation walls of the structure. Splash block shall be provided where needed to direct water away from a building.

F. Railings. Stairways shall have continuous guards and handrails conforming to the International Building Code or International Residential Code as applicable.

G. Exception: structural maintenance. Owner-occupied single-family residence shall be exempt.

§ 55B-9. Maintenance of interior.

A. Basements and crawl spaces.

- (1) Basements and crawl spaces are to be free of moisture resulting from liquid penetration from the exterior and shall be provided with ventilation as required herein to prevent accumulations of moisture and dampness.
- (2) Floors of basements shall have a permanent surface that is water-resistant and capable of being kept broom-clean so as not to create a safety hazard. Crawl spaces which are neither usable nor occupiable need not be permanently surfaced.

B. Interior surfaces.

- (1) All floors, walls, ceilings and other surfaces shall be kept in good repair, that is, free from cracks, breaks, split or splintering boards or woodwork, loose plaster, flaking or peeling paint or other materials. Loose or

defective sections shall be removed and replaced so that the joint between the repair and the sound material is made flush and smooth.

(2) Floors, walls, ceilings and other exposed surfaces shall be kept clean, free from visible foreign matter, sanitary and well-maintained at all times. If necessary to accomplish the foregoing, these surfaces shall be kept painted, whitewashed, papered, covered or treated with sealing materials or other protective coatings as needed.

(3) Interior walls, ceilings and other exposed surfaces in units of dwelling space shall be kept smooth, clean, free of flaking, loose or peeling paint, plaster or paper and capable of being maintained free of visible foreign matter and of vermin, and in a sanitary condition. If and when necessary to accomplish the foregoing or any part thereof, such interior surfaces shall be spackled, painted, papered or otherwise provided with a protective coating appropriate for the surface material, and this shall be done at least once every three years unless it is clearly unnecessary. Painting or other provision of a protective coating shall be the responsibility of the occupant and not of the owner when required more frequently than once every three years as a result of the acts or omissions of the occupant, a member of his family or household or his guest.

(4) Owners shall maintain records indicating the date on which any dwelling unit or part thereof was painted or otherwise provided with a protective coating for six years. Said records shall also indicate the names and address of the person who did the work, the nature of the work done and the cost. Said records shall be made available upon request to the Plainsboro Township Housing Division or to any inspector performing an inspection of the premises on behalf of the Township.

(5) Carpeting, where provided by the owner, shall be cleaned, sanitized and in good condition at the time of re-occupancy by a new tenant.

(6) Carpeting which creates a hazardous condition shall be repaired or replaced.

(7) Except where housekeeping services are provided, normal housekeeping as required for the maintenance of cleanliness and sanitation within individual units of dwelling space of multiple dwellings shall be the responsibility of the occupants and shall not, unless a hazard to the health, safety or welfare of persons other than the occupant of the dwelling unit is thereby created, be the responsibility of the owner.

C. Stairways and common areas.

(1) Stairways shall be maintained to support a live load of 100 pounds per square foot and walking surfaces shall be maintained free of hazards, such as loose steps, loose or uneven treads, torn carpeting, raised strips and non-uniform risers.

(2) Hallways, fire escapes, stairs, landings and passages and other common areas shall be kept open for unrestricted passage.

(3) There shall be guards and hand railings to provide support and protect persons from falling off the stairways or landings. Such stairways shall have continuous guards and handrails on both sides. Exceptions:

(a) Stairways with fewer than four risers are not required to have handrails where serving a single dwelling unit or where such stairways are not in an exit access corridor or aisle, exit or exit discharge.

(b) Stairways within a dwelling unit shall be equipped with a minimum of one handrail.

(c) Spiral stairways shall be equipped with a minimum of one handrail.

- (d) Egress: habitable rooms and sleeping areas. Every dwelling shall have a safe and unobstructed means of egress. Such egress shall not be through any other dwelling or part thereof and shall lead to a safe and open space at ground level accessible to the street.
- D. Doors. All doors shall be so maintained that they can be readily opened and closed.
- E. Exception: maintenance of interior: Owner-occupied single-family residences, townhomes, and condominiums shall be exempt.

§ 55B-10. Waste disposal.

- A. Receptacles.
 - (1) There shall be provided, for each multiple dwelling, noncorrosive, impervious and noncombustible receptacles sufficient in size and number to contain waste accumulation, pending collection, twice weekly. The receptacles shall be so constructed as to hold their contents without leakage and shall be provided with tight-fitting covers and handles.
 - (2) Receptacles for the collection of garbage shall be located so as not to constitute a hazard and located so as to be accessible to the collecting agency.
 - (3) Garbage collection receptacles shall be kept covered, shall be maintained in good repair and shall be kept in the area designed for storage of such receptacles.
- B. Materials requiring separate disposal.
 - (1) Disposal of materials not fitting into or appropriate for receptacles such as newspapers, wrapping paper and other inorganic wastes which are likely to be blown or scattered about the adjacent property or streets, shall be secured to prevent littering.
 - (2) Other objects and material which because of bulk or size, do not fit into receptacles, shall be placed out for collection only at such places as are designated for that purpose and at such times as shall assure the prompt removal by the collection service available to the building and/or site.
- C. Exception: waste disposal. Owner-occupied single-family residence shall be exempt.

§55B-11. Screens and infestation.

- A. Screens.
 - (1) Screens suited to protect the interior of the building against mosquitoes, flies and other undesirable insects shall be provided and kept in good repair for each exterior door [except as otherwise provided in *Exception 2* *Editor's Note: Subsection A(1)(b).below*] and each operable window in habitable and occupiable rooms and common areas. Screens shall be installed and maintained by the owner on all such doors and windows at least from May 1 to October 1 each year. All screens required pursuant hereto shall be affixed either to the window frame or to the upper sash and the window frame. Fixed windows need not be provided with screens.
 - (a) Exception 1: In transient nonresidential hotels.
 - (b) Exception 2: Exterior doors which do not provide any portion of the minimum ventilation area of at least four percent of the floor area of the room or space ventilated.

- (c) Exception 3: Screens are not required on windows or exterior doors in areas and spaces where a central mechanical ventilation system is provided which conforms to applicable construction codes of the New Jersey Uniform Construction Code.
- (d) Exception 4: In areas used for storage purposes only.

B. Elimination of infestation.

- (1) Every owner shall be responsible for the eradication of any insects, rats or other pests when the infestation exists in two or more units of dwelling space or in common areas. All buildings subject to this chapter shall be made rat proof and shall be maintained in a condition free from infestation. Such rat proofing and pest extermination shall include but is not limited to the following:
 - (a) Prevention of entrance by blocking off or stopping up at passages by which rats may secure entry from the exterior with rat impervious material;
 - (b) Prevention of interior infestation by elimination of sources of food and access thereto;
 - (c) Prevention of any vertical travel of vermin through pipe chases or other similar methods of travel.
 - (d) All multiple dwellings shall be subject to periodic procedures for the prevention and elimination of infestation by persons qualified to conduct such procedures no less frequently than once annually and more frequently where there is recurring evidence of infestation.

C. Exception: screens and infestation: Owner-occupied single-family residences, townhouses and condominiums shall be exempt.

§ 55B-12. Managerial and maintenance personnel for multiple dwellings.

A. Duties of owner of a hotel or multiple dwelling.

- (1) The owner shall have the positive responsibility of providing, either by their own direct efforts or by hiring others qualified to so serve, a person or persons qualified by training or experience to discharge the duties and responsibilities outlined for owners under these regulations.
- (2) In multiple dwelling of nine or more dwelling units, the owner shall either perform the janitorial and/or maintenance services themselves, or provide a janitor and/or maintenance person, or provide janitorial and/or maintenance services to be performed, on a twenty-four-hour-a-day basis in a manner approved by this chapter.
- (3) Where necessary to assure compliance with this chapter and other provisions of law affecting multiple dwellings there shall be a full-time person or employee responsible for providing janitorial and/or maintenance services as defined herein. The owner shall provide additional personnel as may be required to assure proper maintenance and compliance with this chapter.

B. Duties of manager and superintendent.

- (1) Without relieving the owner of any responsibility placed by these regulations on the owner, any person undertaking for and on behalf of the owner any responsibilities for the operation and maintenance of the premises shall thereby assume concurrently with the owner, responsibilities for the premises and be subject to penalty for failure to comply with any regulation or order relating to any item or matter within the responsibilities so assumed.

- (2) Where the owner has vested any other person with active management or control of the property and the owner either by their physical absence or unavailability to the premises has left such person in charge thereof, or by reason of any other arrangement with such person the owner does not actively engage in the day-to-day conduct or operation of the premises, then such person assuming management shall be responsible as the agent of the owner for compliance thereto.
- (3) Where there is present on the premises or available to the premises a person whose duties and authority do not comprise overall control of the management of the premises, but such person is designated by the owner as the person responsible for the day-to-day physical upkeep and maintenance for the premises, then such person shall be liable concurrently and jointly with the owner and any managing agent for such matters as shall constitute routine maintenance and upkeep of the premises, for any other matters pertaining to the maintenance of the premises entrusted to such person by the owner or management, and for apprising the owner or managing agent promptly of any other and further matters such as major repairs, structural improvements and capital investments which are beyond such person's authority and competence to undertake, and which, if not done, constitute violations of this chapter or hazards to the health, safety or well-being of occupants.

C. Janitorial/maintenance services required.

- (1) The person in regular attendance on the premises and responsible for providing janitorial or maintenance duties as required by this chapter shall provide the following services:
 - (a) Setting out and returning waste disposal receptacles and avoiding leaving receptacles on days when there is no pickup;
 - (b) Providing regular daily care for all common areas, including removal of garbage, litter or other accumulations;
 - (c) Attending to sidewalk, pedestrian walkways, parking areas and driveways and, in case of snow or ice, to permit safe passage in and out of the premises for vehicles and pedestrians;
 - (d) Operating of the equipment designed to provide heat as required under these regulations;
 - (e) Such other and further routine operational and maintenance service as is required for the owner to comply with this chapter; and
 - (f) Provide regular maintenance services for interior repairs which are the responsibility of the owner as outlined in this chapter.

§55B-13. Elevators.

- A. Suspension of service. Elevator service in a hotel or multiple dwelling shall not be suspended except where unavoidable or where necessary to provide servicing or repairs and then only for the minimum period of time necessary to effectuate such servicing or repairs. Where the owner has knowledge in advance of such suspension, they shall post a notice of the same advising all occupants of the time and duration of any such suspension and the reason thereof.
- B. Mirrors. In all multiple dwellings in which there are one or more self-service elevators, there shall be affixed and maintained in each elevator a mirror that will enable persons, prior to entering into such elevator, to view the inside thereof to determine whether any person is in such elevator.

C. All elevators and elevator equipment and accessory devices shall be provided with preventive maintenance and inspections as required by N.J.A.C. 5:23-12.1 et seq.

§55B-14. Electrical service and lighting.

A. Electrical service.

(1) Service location/meter panels. In all multiple dwellings, each individual meter shall be identified to indicate the unit the meter serves. Markings shall be at least one inch high and easily visible. Markings shall be maintained so as to be legible at all time and of sufficient durability to withstand the environment.

(2) There shall be maintained in good operational condition in every rental dwelling electrical service which shall comply with the electrical requirements in effect at the time the dwelling or dwelling unit received the certificate of occupancy from the Plainsboro Township Code Enforcement Department.

(3) The following electrical installations shall be provided and hereafter properly maintained in all rental dwellings or dwelling units.

- (a) All entrances and exits shall be illuminated by exterior lights sufficient to provide safe passage for persons of normal vision. Exterior lighting fixtures shall be controlled by interior wall switches, located for convenient and readily accessible use except if such lights are controlled by an automatic timer or photoelectric control device.
- (b) Every kitchen shall be provided with a minimum of two duplex receptacle outlets; when replacing receptacles within six feet of a sink, a ground fault circuit interrupt protection receptacle shall be provided.
- (c) Each basement shall be wired for a minimum of one lighting fixture for use as general illumination. All enclosed areas to which occupants of the apartment or hotel have access shall be provided with at least one lighting fixture. Stairwell and laundry area lighting fixtures shall not be counted as part of the required basement lighting fixtures.
- (d) Laundry areas shall be provided with illumination. The laundry circuit shall be an individual circuit. A wall-mounted grounding type duplex receptacle outlet shall be provided, located near the laundry equipment.
- (e) Heating equipment requiring electrical energy of operation or control shall be provided with an individual circuit.
- (f) Service and circuiting shall be adequate for the electric load being served. If the electrical load in a building is excessive, the load shall be required or service shall be increased so as to be adequate.
- (g) Existing wiring and equipment shall be kept in good repair.
- (h) Bathroom: when replacing existing receptacles within six feet of a sink, a Ground Fault Circuit Interrupt protection receptacle shall be provided.
- (i) Electric garage door openers shall plug directly into an electrical box. No extension cords shall be permitted.

(4) Over-current protection devices shall be provided. Under no circumstances shall the capacity of over-current protection devices exceed the rated capacity of all connected wiring as determined by the National Electrical Code.

- (5) No extension cords shall be utilized except in conformity with the following standards:
 - (a) No cords shall be used which are not listed by Underwriters Laboratories, Inc. Maximum length shall not exceed eight feet and minimum wire size shall not be less than No. 18 (AWG).
 - (b) No extension cord shall be used that is rated for a lower current carrying capacity than is required by the appliance(s) to which it is connected.
 - (c) No extension cord shall pass under any rug or carpet or across any path of travel or be used in any other location where it would create a hazardous condition.
 - (d) No frayed, worn or otherwise damaged extension cord shall be used.
- (6) There shall be available in each habitable room sufficient electrical outlets to enable occupants to utilize the room for function for which it is designed without use of loose cords or extension lines prohibited in Subsection A(5) above.

B. Exterior lighting.

- (1) Illumination of common areas in apartment and condominium complexes shall be situated so as not to shine into adjacent dwelling units.
- (2) Exterior parking areas pedestrian walkways or other portions of the premises in apartment, condominium and townhouse complexes subject to regular and recurrent use by occupants at night shall be illuminated continually from 1/2 hour before sunset to 1/2 hour after sunrise, unless the lighting is connected to a dusk to dawn photoelectric device to enable safe passage of persons of normal vision.
- (3) Exterior lighting maintenance shall comply with Chapter 50, Plainsboro Township Apartment Complex Security Ordinance.

C. Artificial lighting: multiple dwellings rental complexes.

- (1) All interior common areas on the premises utilized by occupants are likely to be used by persons frequenting the premises shall be equipped with lighting so that during periods of darkness, all such parts and areas shall be sufficiently illuminated to enable persons of normal vision to traverse such areas safely and to perform therein the functions for which the parts or areas are designed.
- (2) Light switches in exit ways, including corridors, hallways, landings, stairways and vestibules shall be of a type that may not be operated by occupants or persons frequenting the premises.
- (3) Lighting fixtures, wall plates and other electrical facilities in bathrooms and toilet rooms shall be of the type or located and maintained so that there will be no danger of short-circuiting from splashing of water from any facility therein. No such fixtures shall be located so as to be reached from a bathtub or shower enclosure.
- (4) Every habitable or occupiable room shall have light available at all times, with an illumination of at least six foot-candles. Such light shall be measured 30 inches from the floor at the center of the room.
- (5) Every bathroom and toilet room shall have light available at all times, with an illumination of at least three foot-candles. Such light shall be measured 30 inches from the floor at the center of the room.
- (6) The foregoing provisions notwithstanding, it shall not be the responsibility of a multiple dwelling owner to provide lamps or lighting fixtures in

dwelling units other than kitchen and bathroom ceiling or wall fixtures or to supply replacement bulbs.

§ 55B-15. Heating.

- A. Standard of performance. Every unit of rental dwelling space shall contain facilities to provide heat sufficient to maintain a minimum inside temperature of 68° F. in all habitable rooms, measured at least one foot away from any surface at the coldest portion of the space, subject to regular use by occupants of any such room when the outside temperature is at design winter conditions.
- B. Corrective measures. Where the Plainsboro Township Housing Division, in consultation with the Plainsboro Building Division, determines that the facilities are of inadequate size or capacity to accomplish the foregoing, the owner may be ordered to either increase the capacity of the heating system, provide additional insulation or take such other or further steps as will enable the heating system of the unit to satisfy this requirement; provided, however, that nothing herein shall be construed as authorizing loss of habitable space to an extent that would create a violation of this chapter.
- C. Standards of maintenance.
 - (1) The heating equipment, facilities and system and all parts thereof shall be kept in good operating condition, free of defects, corrosion and deterioration at all times.
 - (2) Heating equipment shall be installed and maintained in such a manner as to avoid leakage of or concentration of liquids, gases and solid matters which may constitute hazards or violations of this chapter.
 - (3) Heating equipment shall not be operated in such a manner as to impair its ability to perform as required hereunder or create a hazard anywhere in the system due to excessive temperature.
 - (4) The heating system, including such parts as heating risers, ducts and hot water lines, shall be covered with an insulating material or guard to protect occupants and other persons on the premises from receiving burns due to chance contact.
 - (5) Any pressure relief valve on any type of heating unit shall be connected to a pipe that discharges either vertically toward the floor to a maximum distance of four inches from that floor surface or in a manner conforming to the plumbing sub_code of the Uniform Construction Code.
 - (6) Furnace rooms which contain gas, are oil-fired furnaces and/or hot water heaters, shall not be used for storage of any kind.
 - (7) At the time of sale of any residential unit, the Plainsboro Housing Division may require the seller to provide documentation as to the maintenance of oil-fired and gas heating units.
- D. Minimum temperature; rental units.
 - (1) From October of each year to the next succeeding May 1, every unit of dwelling space and every habitable room therein shall be maintained at a temperature of at least 68° F. between the hours of 6:00 a.m. and 11:00 p.m., at least 65° F. between the hours of 11:00 p.m. and 6:00 a.m. The heating system shall be capable of maintaining the minimum required temperature in the habitable rooms without the necessity of heating adjoining rooms more than 5° higher than said minimum required temperature. The design of the heating system shall conform to the ASHRAE Guide and Data Book.
 - (2) In meeting the aforesaid standards, the owner shall not be responsible for heat loss and the consequent drop in the interior temperature arising out of

action by the occupant in leaving windows or doors open to the exterior of the building.

(3) The owner shall be obligated to supply required fuel or energy and maintain the heating system in good operating condition so that it can supply heat as required herein, notwithstanding any contractual provision seeking to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees, in writing, to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed.

E. Space heaters.

(1) Space heaters shall be so installed, located and maintained so as to exhaust the products of combustion to the outside air (unless the appliance is labeled as having been tested and approved for unvented operation, in compliance with the Uniform Construction Code), to prevent a fire hazard by being sufficiently removed or insulated from surrounding material, to be permanently affixed so that the heater cannot be moved by occupants, and not to constitute a hazard to persons using the premises in close proximity to the heater by reason of chance contact or by reason of lack of fresh air supply.

(2) Space heaters shall be installed in such a manner that all habitable rooms will be heated to the required temperature.

(3) Electric and gas space heaters shall be permitted, provided that they meet standards established by the Underwriters' Laboratories and shall be used in accordance with the manufacturer's instruction.

F. Inspection.

(1) The heating system as herein defined shall be inspected annually. Such:

- (a) To insure that the system is being maintained in accordance with the standards applicable to the system as of the time of installation.
- (b) To locate and remove hazards or conditions that may, if not corrected, are foreseen to develop into hazards or become violations of these regulations.
- (c) To confirm the ability of the system to fulfill the heating requirements provided hereunder.

Fireplaces, fireplace inserts, wood burning stoves, and their appurtenances shall be maintained and inspected in accordance with the manufacturer's recommendations and NFPA 211. Chimneys shall be inspected and cleaned annually in accordance with NFPA 211. A Level II (2) inspection shall be required for the sale or transfer of property. Inspections, maintenance and repairs shall be conducted by a qualified agency/individual approved by the Code Official.

(2) Exception: heating. Owner-occupied single-family residences, townhomes and condominium units shall be exempt unless sold.

§55B-16. Water supply.

A. Sufficiency of source and system. Every multiple dwelling shall be connected to a source of and system for delivery of potable water sufficient to meet the requirements for hot and cold water at all connected fixtures.

B. Connection of fixtures. Every kitchen sink, bathroom or toilet room, sink, basin, tub or shower shall be connected to both hot and cold water lines and be provided with both hot and cold water.

C. Hot water.

(1) Each building or dwelling unit shall be served by a hot water heater and hot water distribution system capable of operating even when the heating system itself is not in operation and of providing all units of dwelling space and facilities therein requiring hot water with water at the outlets at a minimum temperature of 120°F and a maximum temperature of 140°F, however, bathtubs and showers shall not exceed 120°F, at all times in accordance with anticipated need resulting from the number of fixtures and use of the building.

D. Flow of water. All plumbing fixtures and equipment for the supply and drainage of running water shall be maintained so that the rate of flow shall be of sufficient volume and at pressures adequate to enable them to function properly. The pipes conveying the water shall be of sufficient size to provide the water required without undue pressure reduction and without undue noise under all normal conditions of use.

§ 55B-17. Natural light, ventilation and replacement glazing.

A. Natural light.

(1) Every habitable room shall have at least one window or skylight or transparent or translucent panel facing the exterior of the premises directly or through an open porch into the room, equal in area to at least 8% of the floor area of such room.

(2) Wherever walls or other portions of a structure or other opaque barriers face a window surface and are less than three feet distant from such window surface and where the projected plane of any such wall, surface or barrier shall obscure more than one half of the window surface, then such shall not be included in the calculation as contributing to meet the minimum requirements hereof.

B. Natural ventilation.

(1) Every habitable room, bathroom, toilet room or enclosed kitchenette shall have a means of natural ventilation unless there is supplied some other device affording adequate ventilation and exchange of air. Natural ventilation as required hereunder shall be directly to the exterior through an opening of at least three square feet or through a porch having access and exposure to fresh air from the exterior. The total of openable window or skylight area in each such room shall be equal to at least 50% of the minimum window or skylight area required for natural light under-section A above.

(2) Every such window or skylight shall be equipped with the necessary hardware or other means so that it can be readily opened and closed by occupants from the interior of the dwelling space.

C. Mechanical ventilation.

(1) Where the required natural ventilation is not provided, there shall be ventilation by mechanical means, conforming to the following requirements:

(a) Kitchens and kitchenettes shall be ventilated by mechanical means so as to exhaust at least two cubic feet of air per minute per square foot of floor area directly to the outdoors or by means of a properly installed and maintained electrically-powered non-ducted range

hood equipped with an activated charcoal filter for the elimination of cooking odors.

(b) Bathrooms and toilet rooms containing only one water closet or urinal shall be mechanically vented by an exhaust system that exhausts at least 50 cubic feet of air per minute. Means shall be provided for air ingress by louvers in the door, by undercutting the door or by transfer ducts, grilles, or other openings.

(c) Bathrooms and toilet rooms containing more than one water closet or urinal shall be mechanically vented by an independent exhaust system that exhausts at least 40 cubic feet of air per minute per water closet or urinal.

(d) Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions. Clothes dryers and dryer ducts shall be cleaned in accordance with the manufacturer's recommendations. Exception: Listed and labeled condensing (ductless) clothes dryers.

D. Replacement glazing. All replacement glazing shall conform to the applicable construction codes of the New Jersey Uniform Construction Code for glazing requirements for specific hazardous locations.

§55B-18. Storage and closet facilities.

A. Storage of occupants' property.

(1) Any storage area available to or used by occupants in common areas shall have each space within the area separately designated for each unit of dwelling space, and a list identifying each such space shall be retained by the person in charge of the premises or, if the space is used in common by occupants of more than one unit of dwelling space, then all items so stored shall bear the identification of the occupant storing the item or items.

(2) The owner shall not permit unmarked items to be stored in a common storage area and shall have a procedure for notifying each tenant, in writing, before removal and disposal of the same.

(3) Materials stored in such areas shall be secured against becoming sources of infestation and shall be protected against fire hazards caused by ignition from electrical or heating devices or equipment of similar possible sources of fire.

B. No smoking signs. Common areas available for or utilized for storage purposes and public garages shall contain one sign at least one square foot in area, clearly legible and prominently displayed at or near the entrance to the space, prohibiting smoking in the area.

C. Limitations on storage space.

(1) Storage in common areas shall not cover more than 80% of the overall floor area and not more than 60% of the cubic content of the storage area and shall be arranged so that there will be maintained at all times aisles at least three feet in width.

(2) Storage shall not be permitted in attic spaces in garden apartments unless such spaces are designed for such purposes according to the International Building Code.

D. Refrigerators and similar equipment. The owner shall first remove the doors of any refrigerators or other such equipment with exterior closing devices likely to be hazardous to children, if stored on the premises.

§ 55B-19. Mailboxes and identification signs.

- A. Mailboxes and directories.
 - (1) The owner shall provide and maintain mail receptacles for all occupants, conforming to all federal postal laws and regulations.
 - (2) In multiple dwellings, there shall be identification by name and unit of dwelling space for each designated occupant, maintained by the person in charge of the premises or posted at or near the main entrance of the premises or in the lobby, lounge or mailroom area. Nothing herein shall be construed as requiring a directory for transient guests, provided that there is a responsible person on the premises designated by the owner, known to postal authorities, who shall on behalf of the owner receive and distribute or make available for pickup mail for transient guests.

B. Identification signs.

- (1) Every unit of dwelling space in ~~hotels~~ and multiple dwellings shall have some permanent and legible identification by letter, number or other symbol at or near the front entrance thereof.
- (2) Floor signs designating the number of the floor shall be posted prominently and maintained permanent and legible identification by letter, number or other symbol at or near the front entrance thereof.
- (3) The street number of the premises shall be posted prominently at the front entrance of the premises and be visible day and night from the public right-of-way adjoining the main front entrances of the premises.
- (4) Buildings having three or more units shall have identification posted prominently at the front entrance of the premises and be visible day and night from the public right-of-way adjoining the main front entrance of the premises. Signs shall be of reflective material and bear both the street number and unit numbers. (Example: Bldg. 36 36-01 through 36-24)

§ 55B-20. Building security.

A. Multiple dwellings.

- (1) The following provisions apply to multiple dwellings:
 - (a) Every building entrance door or other exterior door permitting access to two or more units of dwelling space shall be equipped with heavy dead latching lockset (series 161, FF-H-106a, minimum, with a minimum 7/8 inch by 5/8 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger). Outside cylinders of main entrance door locks shall be operated by the tenant's key, which shall not be keyed to also open the tenant's dwelling unit entrance door.
 - (b) All exit and exit way doors shall be freely openable from the inside at all times. Double-keyed dead bolts shall be prohibited.
 - (c) All exterior entrance doors to common basement, cellar or storage area shall be self-closing and lockable.
 - (d) All entrance doors to dwelling units shall be equipped with a medium duty latching lockset (series 160, FF-H106a, minimum, with a minimum 1 1/16 inch by 1/2 inch with 1/2 inch minimum

- throw latch bolt with automatic dead-locking plunger) or with a dead bolt lock separate from the latch set.
- (e) All entrance doors to each dwelling unit shall be equipped with a chain door guard so as to permit partial opening of the door, and a viewing device installed on the designated main entrance door to the dwelling unit, located so to enable a person on the inside or the entrance door to view a person immediately outside.
- (f) All openable windows, sliding doors, basement windows and windows opening onto exterior stairways, fire escapes, porches, terraces, balconies or other areas affording easy access to the premises shall be equipped with a locking device of some kind.
- (g) Grilles lockable from the inside only may be placed on the inside or outside of windows only if the windows do not serve to provide access to exits.
- (h) Every exterior entrance door leading to interior common areas which provide access to two or more interior dwelling units, entrance doors shall be self-closing and self-locking doors, shall be kept closed at all times except when in actual use and shall be equipped with a viewing device if it would not otherwise be possible to see a person seeking to enter without opening the door. In addition, the main entrance door shall be equipped with an electrically operated buzzer and latch-release system, individual exterior door bells connected to each dwelling unit, or an approved alternative security and entrance system. However, no building shall be equipped with an electrically operated latch-release system if such building is not also equipped with an intercommunication system allowing effective communication between a person in any dwelling unit and a person standing outside of the main entrance door.
- (i) When the main entrance to a building contains a vestibule with doors at both ends, only the inside set of doors must conform to the security requirements.
- (j) Buildings with fewer than six dwelling units shall not be required to have bells in every dwelling unit, provided that there is at least one exterior doorbell connected so as to ring at least one bell in the common areas which will be audible in all dwelling units.
- (k) Exposed hinge on building entrance doors and entrance doors to dwelling units are either to be removed and replaced with hinges which have non-removable hinge pins, or altered so that the door would be protected against being lifted from its hinges by pulling the hinge pin.
- (l) Apartment complexes shall also comply with the requirements of Chapter 50.

§ 55B-21. Cooking facilities.

A. Required facilities.

- (1) No cooking shall be permitted in any unit of dwelling space unless there is a provision for the following minimum cooking and sanitary facilities:
 - (a) A kitchen sink of nonabsorbent impervious material and drain board of appropriate materials, connected to and having available at all times a supply of hot and cold water under sufficient pressure as required under 70A-16. The kitchen sink shall be connected to a sanitary disposal or sewer system.

- (b) Cooking and preparation of food shall be undertaken only in areas designated therefor.
- (c) Means of natural ventilation or mechanical ventilation sufficient to remove promptly cooking odors to the exterior of the premises without first circulating them within the interior habitable space of the unit.
- (d) Place for storage of food free from infestation.
- (e) Facilities for refrigeration in good operating condition for protection of food from spoilage permitting maintenance of temperatures for storage above 32° and below 50° without regard to outside temperature.
- (f) A cooking facility which, if electrical, is connected with safety to an electrical system of sufficient capacity, or if gas, connected by permanent fixture and tubing to avoid leakage of gas. The use of gasoline stoves or other similar fuel-burning appliances using highly flammable liquids and the use of portable kerosene stoves or other similar fuel-burning portable appliances for cooking is prohibited.
- (g) Cabinets or drawers or other storage areas for utensils, dishes and other cooking and eating equipment. Cabinets and counter tops shall be in good condition and well maintained.
- (h) Two floor or wall electrical outlets for electrical appliances.

§ 55B-22. Sanitary facilities.

A. Required facilities.

- (1) Every unit of dwelling space shall contain the following minimum sanitary facilities:
 - (a) A toilet equipped with a flushing mechanism.
 - (b) A bathtub or shower or other complete bathing facility.
 - (c) A wash basin in the toilet room or within close proximity thereto.
 - (d) In dwelling units having more than one room available or used for sleeping purposes, each such room shall have accessible to it, sanitary facilities directly from the room itself or through any common portion of the dwelling unit without requiring passage through the bedroom.
- (2) A complete second set of sanitary facilities shall be required for any unit of dwelling space with permissible occupancy of 8 or more persons.
- (3) Each toilet and bathing facility shall be located in a separate room or rooms completely enclosed sides and top and shall be provided with:
 - (a) One or more doors, each of which can be locked from the interior.
 - (b) Floor, walls and ceiling surfaces made of or protected by durable materials capable of being exposed regularly to moisture without damage or deterioration.
- (4) Every bathroom and toilet room shall be of sufficient dimension to provide 1 1/2 foot clearance in front of each fixture, including but not limited to toilet, lavatory, bathtub or shower.
- (5) Every toilet, including the toilet seat, wash basin, shower, bath and other plumbing or sanitary facility forming part of any toilet room or bathroom shall be maintained in good operating condition at all times and shall be kept clean and free of material that might clog the same or impair its operation and shall drain into a sanitary sewer or other approved sanitary disposal system.

§ 55B-23. Occupancy standards.

- A. Basements and cellars.
 - (1) Basements and cellars may be used for dwelling space, provided that:
 - (a) The entire area constituting the dwelling unit must comply with all requirements set forth in this chapter applicable to habitable rooms or areas and to all requirements set forth in the New Jersey Uniform Construction Code applicable to rooms and dwelling units in basements or stories below grade; and
 - (b) The floors, ceiling and walls of each unit of dwelling space must be free of moisture.
- B. Floor area.
 - (1) In all dwelling units there shall be a minimum usable floor area for the initial occupant of 150 square feet and 100 square additional space for each additional occupant, provided, however, that children under the age of two shall not be considered additional occupants.
 - (2) In every dwelling unit every room occupied or intended to be occupied for sleeping purposes by one occupant shall have a minimum usable floor area of 70 square feet and every room occupied or intended to be occupied for sleeping purposes by more than one occupant shall have a usable floor area of at least 50 square feet for each such occupant; provided, however, that children under the age of two shall not be considered to be additional occupants.
- C. Prohibited sleeping areas. Kitchens, bathrooms, halls and toilet rooms shall not be used for sleeping purposes.
- D. Required ceiling height.
 - (1) No room or space or portion of a room or space shall be considered habitable unless that room or space or portion of a room or space has a clear ceiling height of at least seven feet, zero inches, except where a variation has been previously granted by the Construction Official.
 - (2) Read in context with the definition of habitable room and the occupancy standards found in this chapter, this section requires an attic apartment to contain at least 150 square feet of floor space having a ceiling height of seven feet, zero inches and that every attic room have at least 59 square feet of floor area having a ceiling height of at least seven feet, zero inches. While additional floor area having less than seven feet, zero inches ceiling height is permitted, it cannot be counted for purposes of determining habitability.

§ 55B-24. Parking areas and driveways.

- A. Design requirements.
 - (1) Driveways shall have two traffic lanes for their entire length, in addition to any parking space, except that a single lane may be used for short straight service driveways where two-way traffic is not anticipated.
 - (2) Buildings, walls, fences, planting and other sight obstructions shall be so located and designed that a driver backing out of a garage, carport or parking space can see approaching traffic speed and volume.
- B. Maintenance requirements. Driveways and parking areas shall be maintained free of potholes or other unsafe or unsanitary conditions.

- C. Parking in approach drives. No parking will be permitted in approach drives to parking areas where such parking will obstruct ingress of fire-fighting equipment.
- D. Parking for handicapped residents.
 - (1) Any owner of a multiple dwelling with five or more dwelling units which provides parking to the occupants thereof, and in which a handicapped person resides, shall provide parking spaces for occupants who are handicapped located at the closest possible proximity to the principal accesses of the multiple dwelling.
 - (2) A minimum of 1% of the total number of parking spaces provided for the occupants of the multiple dwelling, but not less than one parking space, shall be set aside as parking for the handicapped.
 - (a) Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following words: "This space reserved for physically handicapped drivers."
 - (b) Each reserved space shall be 12 feet wide to allow room for a person in a wheelchair or on braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking and shall be located so that a person in a wheelchair or using braces or crutches is not compelled to wheel or walk behind parked cars.
 - (c) Where applicable, curb ramps shall be provided to permit a handicapped person access from the parking area to the sidewalk.
 - (3) For purposes of this section "handicapped" means a physical impairment which confines a person to a wheelchair; causes a person to walk with difficulty or insecurity; affects the sight or hearing to the extent that a person functioning in public areas is insecure or exposed to danger; causes faulty coordination; or reduces mobility, flexibility, coordination and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

§ 55B-25. Child-protection window guards.

- A. Child-protection window guards; when required.
 - (1) Except as provided in Subsection A(2) below, the owner or other person responsible for the management or control of a multiple dwelling shall, upon the written request of a tenant of a unit in which a child or children 10 years of age or under reside or are regularly present for a substantial period of time, provide, install and maintain approved child-protection window guards on the windows of the dwelling unit and on any windows of the dwelling unit and on any windows in the public halls of the multiple dwelling.
 - (2) The requirements of this chapter shall not apply to any window which either gives access to a fire escape or is on the first floor, or the unit that is owner-occupied, is part of a condominium or is held by a proprietary lessee under a cooperative form of ownership or occupied by a shareholder in a mutual housing corporation.
 - (a) For purposes of this chapter, a window in a room or hallway shall not be considered to be on the first floor if the finished surface of the floor of that room or hallway is more than six feet above grade as measured at the location of the window.
 - (3) All leases offered to tenants in multiple dwellings, other than condominium, cooperative or mutual housing form of ownership, shall contain a clear and conspicuous notice advising tenants that the owner is required by law to provide, install and maintain window guards in the

apartment of any who has a child or children 10 years of age or younger living in the apartment and makes a written request to the owner or manager to install window guards, and that owner is also required, upon written request of any such tenant, to provide, install and maintain window guards in the building hallways to which persons in the tenant's unit have access without having to go out of the building. A lease offered to a tenant of a first floor unit shall not be required to refer to window guards in the apartment, but only to window guards in the hallways above the first floor to which persons in the tenant's unit have access without having to go out of the building.

(4) At least once in each calendar year, the owner or manager of a multiple dwelling shall deliver to each tenant a clear and legible notice containing the information required by Subsection A(3) above. This notice shall be hand-delivered, mailed by ordinary or certified mail.

B. General installation requirements.

(1) Window guards shall be installed in accordance with all applicable requirements of the State Uniform Construction Code, N.J.A.C. 5:23, and with manufacturer's instructions.

(2) Any window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool or excessive force. For purpose of this chapter, an "emergency egress window" is any window in a sleeping room located on the second or third floor, other than a window providing access to a fire escape.

(3) Any window guard installed on a window that is not an emergency egress window, including any window in a unit located above the first floor that is not a sleeping room, shall be designed, constructed and installed so that it cannot be removed, opened or dislodged without the use of a key or tool; provided, however, that no window guard shall be installed on any window giving access to a fire escape.

C. Specifications for window guards.

(1) Window guards shall be constructed as to reject the passage of a solid four-inch sphere at every space and interval.

(2) Window guards shall bear a 150 pound load at center span when extended to maximum width or shall meet the performance tests of ASTM F2006-00 or ASTM F2090-01a, incorporated herein by reference.

(3) Window guards shall be constructed of metal or of other material of comparable strength and durability. The diameter or width of metal rods used in the guards shall not exceed 1/2 inch.

(4) Window guards shall be constructed and installed so as to serve their intended purpose without any risk of collapse, breakage, spreading of the bars or other malfunction.

(5) In a room, window guards shall be of at least a height sufficient to allow a total openable window area, for all windows in the room, of not less than 4% of the floor area of the room. In a public hallway, window guards shall protect the full openable area of each window.

(6) Guards shall be securely fastened in order to bear the required load.

(7) All window guards shall be installed as to prevent the lower window from being raised four inches or more above the lowest section of the top horizontal bar of the window guard. Where necessary, rigid metal stops shall be installed securely in the upper tracks of each side of the bottom window. Screws used to mount window guards and stopping devices shall be:

- (a) Minimum size No. 10 and long enough to penetrate one inch into a wooden window frame; or
- (b) Of an adequate type, size and length to be securely fastened to a metal window frame.

- (8) The coating of all guards shall be unleaded.
- (9) Guards shall be installed only in sound (non-rotting) mountings or tracks.
- (10) Window guards installed prior to November 20, 1995, shall be accepted as being in conformity with this chapter if they were designed and installed in accordance with the rules and specifications established by the New York City Department of Health and if such installation is not in violation of Section 55B-25(B) of this Code. Window guards installed on or after November 20, 1995, that are so constructed as to reflect the passage of a solid four-inch sphere at every space and interval and are otherwise designed and installed in accordance with the rules and specifications established by the New York City Department of Health, and not in violation of Section 55B-25(B) of this Code 70A-26(B), shall be accepted as being in conformity with this chapter.

D. Additional specifications for window guards for other than double-hung windows.

- (1) Window guards intended for casements, sliders and other types of combinations of windows in which the height of the openings is not subject to limitation shall be of such size as to fill the entire aperture, and shall reflect passage of a solid four-inch sphere at every space or interval.
- (2) Except as otherwise provided in Subsection D(3) below, sliding windows and vertical pivoting windows may be equipped with stopping devices in place of window guards as follows:
 - (a) For sliding windows, solid metal blocks, measuring at least 1/2 the depth of the window track and 1/2 the width, shall be securely fastened into the bottom and upper window tracks to prevent the window from opening four inches or more.
 - (b) For vertical pivoting windows, metal stopping devices shall be securely fastened to the upper and lower window frames so as to prevent the window from pivoting open four inches or more. The height of the stopping devices shall extend no less than one inch nor more than two inches beyond the window frame as needed to stop the window. The protruding edge of the stopping device shall be smooth and rounded.
- (3) Use of such stopping devices in lieu of window guards shall be allowed within dwelling units only where they do not preclude meeting the requirement, as per 70A-17(B), that the total operable window and/or openable skylight area in each room be equal to at least 4% of the floor area of the room.

E. Prohibited acts. No person shall obstruct or interfere with the installation of child-protection window guards required under P.L. 1995, c. 120, and under this chapter, nor shall any person remove or otherwise render ineffective such window guards; provided, however, that the owner or the representative of the owner may remove window guards from an unoccupied unit or, with the consent of the tenant, from a unit in which no child 10 years of age or under resides.

- A. Prohibited uses. The following uses are prohibited:
 - (1) Short-term rentals.
- B. Penalty.
 - (1) Any person who violates the prohibited uses provision shall be liable to a penalty of not less than \$50, or more than \$500 for each violation and a penalty of not less than \$500, or more than \$5,000 for each continuing violation.
 - (2) Where any violation of Subsection A of this section is of a continuing nature, each day during which such continuing violation remains unabated in any order or notice by the Plainsboro Housing Division in any order or notice for the correction or termination of such continuing violation, shall constitute an additional separate and distinct violation except during the time on arbitration or appeal from said order may be taken or is pending.

[1]*Editor's Note: See also the definition of "short-term rental" in § 70A-4*

§ 55B-27 Fire safety requirements.

- A. One- and two-family or attached single family dwellings shall comply with N.J.A.C. 5:70-4.19 prior to sale or lease, or otherwise made subject to a change of occupancy for residential rental purposes.
- B. Multiple family dwelling units shall comply with the following prior to a change of occupancy for residential purposes:
 - (1) Single- or multiple- station smoke alarms shall be installed and maintained in multiple dwellings in accordance with the manufacturer's instructions and the following:
 - a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms and, where required, on the ceiling or wall within each sleeping area.
 - b. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
 - (2) Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required herein.
 - a. Ionization smoke alarms shall not be installed less than 20 feet horizontally from a permanently installed cooking appliance.
 - b. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet horizontally from a permanently installed cooking appliance.
 - c. Photoelectric smoke alarms shall not be installed less than 6 feet horizontally from a permanently installed cooking appliance.
 - d. Installation near bathrooms. Smoke alarms shall be installed not less than 5 feet horizontally from the door or opening of a

bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required herein.

(3) At the request of a tenant of a unit in which a person who is deaf or hearing-impaired resides, the owner shall provide and install a visual alarm type smoke detector or smoke alarm for that unit or, in the case of a rooming or boarding house resident, for that resident's sleeping area.

(4) In dwelling units, approved 10-year sealed battery-powered single station alarms shall be installed;

a. Exception: 10 year sealed battery-powered single station alarms are not required when the dwelling unit is provided with a single- or multiple station smoke alarm receiving primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup.

C. Maintenance of single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

D. Responsibility. The owner of any vacant rental dwelling unit shall be responsible for maintaining and replacing the batteries as needed in battery-powered smoke detectors and provide power in vacant units equipped with hard wired smoke detectors.

E. Carbon Monoxide Alarms. shall be installed and maintained in full operating condition in the following locations:

(1) Carbon monoxide detection equipment shall be installed in the immediate vicinity of each sleeping area in any dwelling unit that contain a fuel-burning appliance or that have an attached garage.

(2) Dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide detection equipment provided that:

a. The dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

b. The dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or an attached garage and the building has a common area carbon monoxide alarm system with all common area detectors connected to an approved supervisory station or other approved local visual and audible supervisory signal; and

c. Individual detection equipment is located in every room adjacent to the room(s) containing a fuel-burning appliance; and

1. In every corridor, hall or lobby adjacent to such room(s);

2. In the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation

shafts on the story containing the fuel-burning appliance; and

3. On any story within two stories above or below the story containing the fuel-burning appliance.

d. The building is provided with a supervised carbon monoxide detection system. Individual detectors shall be located in every room containing a fuel-burning appliance. All such detectors shall be connected to an approved supervisory station. Carbon monoxide and fire alarms may be incorporated into a common monitored system.

- (3) Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this subchapter and NFPA 720. Carbon monoxide alarms shall be battery operated, hard-wired or of the plug-in type.
- (4) At the request of a tenant of a multiple dwelling unit in which a person who is deaf or hearing-impaired resides, the owner shall provide and install a visual alarm type carbon monoxide detector for that unit.

F. Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Article IV. Violation and Penalties

§55B-28. Violations and penalties.

A. Violations and Penalties

No person shall:

- (a) Obstruct, hinder, delay or interfere with, by force or otherwise, the Plainsboro Housing Division in the exercise of any power or the discharge of any function or duty under the provisions of this chapter;
- (b) Prepare, utter or render any false statement, report, document, plans or specifications permitted or required to be prepared, uttered or rendered under the provisions of this chapter;
- (c) Render ineffective or inoperative any protective equipment installed, or inoperative to be installed, in any one and two family dwelling, attached single family dwelling, townhouse, condominium, or multiple dwelling;
- (d) Refuse or fail to comply with any lawful ruling, action, order or notice of the Plainsboro Housing Division; or
- (e) Violate, or cause to violated, any of the provisions of this act.

- (1) Any person who violated, or causes to be violated, any provision of this Chapter shall be liable to a penalty of not less than \$250 nor more than \$1,000 for each violation, and a penalty of not less than \$500 nor more than \$5,000 for each continuing violation. Where any violation of this Chapter is of a continuing nature, each day during which such continuing violation remains unabated after the date fixed by the Plainsboro Housing Division in any order or notice for the correction or termination of such continuing violation, shall constitute an additional, separate and distinct violation, except during the time on arbitration or appeal from said order may be taken or is pending. The Plainsboro Housing Division, in the exercise of its administrative functions pursuant to this act, may levy and collect penalties in the amounts set forth in this section. Where the administrative penalty order has not been satisfied within 30 days of the issuance of the penalty, the Township of Plainsboro may, in a civil action by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A: 58-1 et seq.) in the Superior Court, recover the penalty and cost.
- (2) Any person shall be deemed to have violated, or to have caused to be violated, any provision of this Chapter whenever any officer, agent or employee thereof, under the control of and with the knowledge of said person, shall have violated or caused to be violated any of the provisions of this Chapter.
- (3) The Plainsboro Housing Division may cancel and revoke any certificate required or permitted to be granted or issued to any person pursuant to the provisions of this Chapter if the Plainsboro Housing Division shall find that any such person has violated, or caused to be violated, any of the provisions of this Chapter.

Article V. Fees

§55B-28 Department of Code Enforcement housing inspection fees.

A. Inspection fees shall be as follows:

- (1) Dwellings sold:
 - (a) Single-family dwellings and townhouses: \$125.
 - (b) Condominium: \$80.
- (2) Single-family and townhouse rentals: \$175.
- (3) Condominium and single unit rental:
 - (a) Up to 1,000 square feet: \$75.
 - (b) Over 1,000 square feet: \$100.
- (4) Reinspection fees:
 - (a) Sold dwellings: \$75 for second and subsequent inspections.
 - (b) Rentals: \$50 for second and subsequent inspections of dwellings in Subsection A(2) above; \$50 for second and subsequent inspections for all dwellings in Subsection A(3) above.
- (5) Other.
 - (a) Thirty-five dollars for refinancing letter, letter of waiver of housing certificate of occupancy.
 - (b) Thirty-five dollars for smoke alarm inspection for refinancing of single-family, townhouses or condo units.
 - (c) Fee for composing buyer's acceptance agreement and performing a reinspection: \$100.

SECTION II. REPEALER

All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies. This Ordinance amends the Township of Plainsboro's housing regulations to ensure that any dwelling offered for sale or rent is subject to the provisions of this Chapter and any reference or enforcement action toward vacant structures and hotels is removed. Provisions for these structures are regulated under other ordinances.

SECTION III. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on April 13, 2022 and published on April 14, 2022. Adopted at a Meeting held on May 11, 2022 and published on May 13, 2022.