

HOUSING CODE

Chapter 55

HOUSING CODE

Part 1  
General Provisions

ARTICLE I  
Adoption and Enforcement

- § 55-1. Legislative findings.
- § 55-2. Purpose.
- § 55-3. Enforcement officer designated.
- § 55-4. Conditions determining unfit buildings.
- § 55-5. State Housing Code adopted by reference; copies on file.
- § 55-6. Action upon charge of unfit dwelling.
- § 55-7. Order to repair or remove; responsibility for costs; demolition; removal of nuisances.
- § 55-8. Service of complaints and orders; posting; recording.
- § 55-9. Notice of violation.
- § 55-10. Service of notice.
- § 55-11. Power to adopt rules and regulations.
- § 55-12. Conformance with State Housing Code required.
  - § 55-12.1. Zoning certificate fee.
- § 55-13. Certificate of occupancy.
  - § 55-13.1 Certificate for transfer of property title.
- § 55-14. Rental property registration and licensing.
- § 55-15. Violations and penalties.

GLOUCESTER CITY CODE

- § 55-16. **Severability.**
- § 55-17. **Additional powers of enforcement officer.**
- § 55-18. **Construal of provisions.**

**Part 2**  
**Enumeration of Standards**

**ARTICLE II**  
**New Jersey State Housing Code**

- § 55-19. **Standards to determine fitness of buildings.**
- § 55-20. **Definitions.**
- § 55-21. **Water supply.**
- § 55-22. **Facilities.**
- § 55-23. **Storage of garbage and rubbish.**
- § 55-24. **Lighting.**
- § 55-25. **Ventilation.**
- § 55-26. **Heating equipment.**
- § 55-27. **Egress.**
- § 55-28. **Maintenance.**
- § 55-29. **Use and occupancy of space.**
- § 55-30. **Responsibilities of owners and occupants.**

**ARTICLE III**  
**Supplemental Provisions**

- § 55-31. **(Reserved)**
- § 55-32. **Tenants' access to electrical box.**

HOUSING CODE

**[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 7-5-1962; amended in its entirety 1-3-1991 by Ord. No. 1-1991. Subsequent amendments noted where applicable.]**

(Cont'd on page 5503)



## GENERAL REFERENCES

Housing Authority — See Ch. 5.  
Unsafe buildings and structures — See Ch. 30.  
Uniform construction codes — See Ch. 37.  
Fire prevention — See Ch. 48.  
Property maintenance — See Ch. 66.  
Smoke detectors — See Ch. 74.

**Part 1**  
**General Provisions**

**ARTICLE I**  
**Adoption and Enforcement**

**§ 55-1. Legislative findings.**

It is hereby found and declared that there exists in the City of Gloucester buildings or parts thereof which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy or use and are inimical to the welfare and dangerous and injurious to the health and safety of the people of the municipality and that a public necessity exists for the repair, closing or demolition of such buildings or parts thereof.

**§ 55-2. Purpose.**

The purpose of this ordinance is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance, conditions and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this ordinance; and to provide for

the repair, demolition or vacation of premises unfit for human habitation or occupancy or use.

**§ 55-3. Enforcement officer designated. [Amended 4-2-1992 by Ord. No. 13-1992; 4-6-1995 by Ord. No. 11-1995; 7-6-1995 by Ord. No. 21-1995]**

The Mayor and Council shall appoint by resolution public officers to serve in the following positions: Housing Inspector, Housing Field Representative, parking enforcement officer and Code Enforcement Officer. The Housing Inspector, Housing Field Representative, parking enforcement officer, Code Enforcement Officer and/or any other designee by the Housing Inspector are hereby designated as the officers to exercise the powers prescribed by this ordinance.

**§ 55-4. Conditions determining unfit buildings.**

For the purpose of this Part 1, the Housing Inspector may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the City of Gloucester. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects or uncleanness.

**§ 55-5. State Housing Code adopted by reference; copies on file.**

Pursuant to the provisions of P.L. 1946, c. 21 (N.J.S.A. 40:49-5.1), the New Jersey State Housing Code, as approved by the Departments of Health and Conservation and Economic Development and filed in the Secretary of State's office, is hereby accepted, adopted and established as a standard to be

used as a guide in determining the fitness of a building for human habitation or occupancy or use. A copy of the New Jersey State Housing Code is annexed to this Part 1,<sup>1</sup> and three (3) copies of the same have been placed on file in the office of the Gloucester City Clerk and are available to all persons desiring to use and examine the same.

(Cont'd on page 5505)

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<sup>1</sup> Editor's Note: See Part 2, Enumeration of Standards, Article II, New Jersey State Housing Code, of this chapter.



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**§ 55-6. Action upon charge of unfit dwelling.**

Whenever a petition is filed with the Housing Inspector by a public authority, as defined in N.J.S.A. 40:48-2.4, or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation as herein defined, or whenever it appears to the Housing Inspector on his own motion that any dwelling is unfit for human habitation, as herein defined, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and the parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Housing Inspector or his designated agent, at a place therein fixed, not less than seven (7) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the time and place fixed in the complaints; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Inspector.

**§ 55-7. Order to repair or remove; responsibility for costs; demolition; removal of nuisances.**

A. If, after such notice and hearing, the Housing Inspector determines that the dwelling under consideration is unfit for human habitation, as herein defined, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

- (1) The repair, alteration or improvements of said building, to be made by the owner within a reasonable time, which time shall be set forth in the order, or, at the option of the owner, to vacate or to have said building vacated and closed within the time set forth in the order.
- (2) If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve said building within the time specified in the order, that the owner remove or demolish said building

within a reasonable time as specified in the order of removal.

- (3) That, if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Housing Inspector may cause such building to be repaired, altered or improved or to be vacated and closed; that the Housing Inspector may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
  - (4) That, if the owner fails to comply with an order to remove or demolish the building, the Housing Inspector may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefor.
  - (5) That the amount of the costs of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this Part 1 determined in favor of the municipality and the costs of such repairs, alterations or improvements or vacating and closing or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof shall be a municipal lien against the real property upon which such cost was incurred.
- B. If the building is removed or demolished by the Housing Inspector, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of

tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the Housing Inspector, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of the Court to the persons found to be entitled thereto by final order or judgment of such Court; provided, however, that nothing in this subsection shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause the removal or abatement by summary proceedings or otherwise. Any owner or party in interest may, within thirty (30) days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest a reasonableness of the amount or accuracy of the costs set forth in the municipal lien certificate.

- C. If an actual and immediate danger to life is posed by the threatened collapse of any fire-damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.
- D. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this ordinance intended to limit the authority of the enforcing agency or construction official under the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), or any rules or regulations adopted thereunder.

**§ 55-8. Service of complaints and orders; posting; recording.**

Complaints or orders issued by the Housing Inspector pursuant to §§ 55-6 and 55-7 shall be served upon persons either personally or by certified or registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Housing Inspector in the exercise of reasonable diligence and said Housing Inspector shall make an affidavit to that effect, then the serving of

such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the City of Gloucester. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of the county in which the dwelling is located.

**§ 55-9. Notice of violation.**

Whenever the Housing Inspector determines that there are reasonable grounds to believe that there has been a violation of the Housing Code, but said violations do not rise to the level of an unfit dwelling, he shall give notice of such alleged violations to the person or persons responsible therefor as hereinafter provided. Such notice shall be put in writing, include a statement of the reasons why it is being issued and allow a reasonable time for the performance of any act it requires, not to exceed thirty (30) days, to correct or abate the violation. The notice shall also advise the recipient that if the violation is not corrected or abated, the municipality will pursue remedies in Municipal Court, and that any fines assessed shall become a lien on the subject property if unpaid within thirty (30) days of the fine assessment.

**§ 55-10. Service of notice.**

The notice shall be served upon the owner or his agent, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent if a copy thereof is served upon him personally; or, if after diligent inquiry and effort, an individual cannot be served personally, then consistent with due process of law, service may be made by mailing, by registered or certified mail, return receipt requested. If the addressee refuses to claim or accept delivery of the registered or certified mail, service may be made by ordinary mail. The party making service may, at his option, make service simultaneously by registered or certified mail and ordinary mail, and if the addressee refuses to claim and accept delivery of the registered or certified mail and if the ordinary mail is not returned, the simultaneous mailing shall constitute effective service. Such notice

may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.

**§ 55-11. Power to adopt rules and regulations.**

The Housing Inspector is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this ordinance; provided, however, that such rules and regulations shall not be in conflict with the provisions of this ordinance nor in any way alter, amend or supersede any of the provisions thereof. The Housing Inspector shall file a certified copy of all rules and regulations which he may adopt in his office and in the office of the Clerk of the City of Gloucester.

**§ 55-12. Conformance with State Housing Code required.**

No person shall occupy as owner-occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the New Jersey State Housing Code, established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

**§ 55-12.1. Zoning certificate fee. [Added 4-26-2007 by Ord. No. O05-2007; amended 6-17-2010 by Ord. No. O12-2010]**

The fee for an application for a Zoning Certificate shall be \$50.

**§ 55-13. Certificate of occupancy. [Amended 4-6-1995 by Ord. No. 7-1995; 2-6-1996 by Ord. No. 33-1996; 4-2-1998 by Ord. No. 6-1998; 5-6-1999 by Ord. No. 4-1999; 9-5-2002 by Ord. No. 18-2002]**

- A. In order to protect the public health, safety and general welfare, the owner of any premises or that owner's agent shall obtain a certificate of occupancy from the Housing Inspector or Code Enforcement Official upon the occurrence of any one of the following events:
- (1) Prior to any owner, lessee, or tenant, whether individual or business entity, occupying any dwelling, dwelling unit, building or structure, whether commercial or residential (a tenant, for purposes of this section, is one who has temporary possession of the lands or improvements of another); or
  - (2) Prior to the transfer of title, whether by purchase or other transfer, of any improved property from one individual or business entity to another individual or business entity.
- B. A certificate of occupancy is valid unless and until either of the occurrences set forth in Subsection A have occurred. A certificate of occupancy is not transferable to another person, whether individual or commercial entity.
- C. A certificate of occupancy shall be issued by the Housing Inspector or Code Enforcement Officer upon compliance by the owner with the applicable provisions of the Code of Gloucester City and any rules and regulations adopted pursuant thereto.
- (1) In addition, a certificate of occupancy shall be issued by the Housing Inspector or Code Enforcement Official upon the certification by the Fire Official, or other duly authorized personnel, of the satisfactory installation of hard wired interconnected battery backup smoke detectors in proper working order on or near the ceiling of each level of a residential or

commercial structure and upon the satisfactory installation of battery operated smoke detectors in proper working order in each bedroom or sleeping area of every residential structure. **[Added 4-3-2003 by Ord. No. 5a-2003; amended 7-19-2012 by Ord. No. O13-2012]**

- D. The certificate of occupancy shall include, and be supplied by the owner or owner's agent:
- (1) The address of the premises;
  - (2) The name, address and phone number of the owner; and
  - (3) The name and age of the person(s) occupying the premises.
  - (4) Warrant Waiver indicating buyer/owner/tenants/proposed occupants have no outstanding warrants issued by any and all New Jersey Municipal Courts. Warrant Waiver shall be obtained from the Gloucester City Municipal Court located at 313 Monmouth Street, Gloucester City, New Jersey 08030. **[Added 11-25-2014 by Ord. No. O24-2014]**
- E. In the case of residential premises, the owner or owner's agent shall pay the following fees to the Housing Inspector or Code Enforcement Officer for any inspection that may be required until the premises qualifies for the issuance of a certificate of occupancy by complying with the applicable provisions of the Code of Gloucester City:
- (1) One hundred dollars for the initial inspection and first reinspection, if needed; **[Amended 4-26-2007 by Ord. No. O05-2007; 5-27-2010 by Ord. No. O10-2010]**
  - (2) Fifteen dollars for the second reinspection; and
  - (3) Fifty dollars for each subsequent reinspection. **[Amended 6-17-2010 by Ord. No. O12-2010]**

F. In the case of commercial premises, the owner or owner's agent shall pay the following fees to the Housing Inspector or Code Enforcement Officer for any inspection that may be required until the premises qualifies for the issuance of a certificate of occupancy by complying with the applicable provisions of the Code of Gloucester City:

- (1) Commercial certificate of occupancy. **[Amended 4-26-2007 by Ord. No. O05-2007]**

Type	Fee
<b>Assembly Use Groups</b>	
0 to 4,000 square feet (sq. ft.)	\$125.00
4,001 to 8,000 sq. ft.	150.00
8,001 to 12,000 sq. ft.	200.00
For each additional 10,000 sq. ft. or part thereof	100.00
Outdoor use	50.00
<b>Business Use Groups</b>	
0 to 4,000 sq. ft.	\$100.00
4,001 to 8,000 sq. ft.	125.00
8,001 to 12,000 sq. ft.	150.00
12,001 to 20,000 sq. ft.	200.00
For each additional 10,000 sq. ft. or part thereof	100.00
<b>Mercantile Use Groups</b>	
0 to 4,000 sq. ft.	\$100.00
4,001 to 8,000 sq. ft.	125.00
8,001 to 12,000 sq. ft.	150.00
12,001 to 20,000 sq. ft.	200.00
For each additional 10,000 sq. ft. or part thereof	100.00

Type	Fee
<b>Low Hazard Factory and Industrial Occupancies [Amended 10-25-2007 by Ord. No. O23-2007]</b>	
0 to 4,000 sq. ft.	\$100.00
4,001 to 8,000 sq. ft.	125.00
8,001 to 12,000 sq. ft.	150.00
For each additional 10,000 sq. ft. or part thereof	100.00
<b>Moderate Hazard Factory and Industrial Occupancies [Amended 10-25-2007 by Ord. No. O23-2007]</b>	
0 to 4,000 sq. ft.	\$125.00
4,001 to 8,000 sq. ft.	150.00
8,001 to 12,000 sq. ft.	200.00
For each additional 10,000 sq. ft. or part thereof	125.00
<b>High Hazard Use Groups [Amended 10-25-2007 by Ord. No. O23-2007]</b>	
0 to 4,000 sq. ft.	\$150.00
4,001 to 8,000 sq. ft.	175.00
8,001 to 12,000 sq. ft.	250.00
For each additional 10,000 sq. ft. or part thereof	150.00
<b>Storage Use Groups [Amended 10-25-2007 by Ord. No. O23-2007]</b>	
0 to 4,000 sq. ft.	\$100.00
4,001 to 8,000 sq. ft.	125.00
8,001 to 12,000 sq. ft.	150.00
For each additional 10,000 sq. ft. or part thereof	100.00

Type	Fee
Utility and Miscellaneous Use Groups	
0 to 4,000 sq. ft.	\$100.00
4,001 to 8,000 sq. ft.	125.00
8,001 to 12,000 sq. ft.	150.00
For each additional 10,000 sq. ft. or part thereof	\$100.00
Place of Education	\$200.00

(2) Each floor shall be calculated as separate areas of total building calculation. **[Amended 4-26-2007 by Ord. No. 005-2007]**

(3) Any additional inspection after reinspection shall be subject to a 75% charge of the initial fee based on the fee schedule. **[Amended 4-26-2007 by Ord. No. 005-2007]**

G. Violations of the initial inspection report shall be abated and reinspected within 90 days of the issuance of the initial inspection report. If the violations are not abated within 90 days, for whatever reason, the initial application becomes void and a new application with the required initial fee must be submitted for the premises requiring this certificate of occupancy.

H. The time period can be extended from 90 days to 120 days to abate the violations outlined in the initial inspection report if the request for an extension is received prior to the expiration of the ninety-day period.

The Housing Inspector or Code Enforcement Officer shall not grant any further extension.

I. The Housing Inspector may make a preliminary survey in any area of the City to determine the general condition of the structures of that area, the extent of dilapidation of structures and the unsafe and unsanitary conditions which may exist.

- J. Report of the Housing Inspector. The Housing Inspector shall, at the end of each calendar year, submit a written report to the Mayor and Council of the housing activities of his office and the procedures used in the administration and enforcement of this ordinance, the number of housing violations found and corrected and any other material which will indicate the progress made in housing sanitation, safety and rehabilitation. The report shall also contain a summary of the recommendations made by the Housing Inspector and the action taken by him pursuant to these recommendations.

**§ 55-13.1. Certificate for transfer of property title.  
[Added 3-21-2005 by Ord. No. 011-2005;  
amended 5-27-2010 by Ord. No. 010-2010]**

A Certificate for Transfer of Property Title is required to transfer a vacant structure and/or property to a new owner without obtaining a certificate of occupancy. The Certificate for Transfer of Property Title shall only be issued in the case of a vacant structure, dwelling or property sale, and only permits the change of ownership prior to performing necessary improvements to obtain a certificate of occupancy. A minimum of one (1) battery smoke detector on each level of the structure is required and will be inspected prior to the issuance of the Certificate for Transfer of Property Title. The fee for said certificate for transfer is \$75.

The Certificate for Transfer of Property Title is valid for ninety (90) days, and a Certificate of Occupancy application must be filed with the Housing and Construction Office prior to the expiration of the Certificate for Transfer of Property Title.



Failure to obtain a Certificate for Transfer of Property Title and/or failure to obtain/apply for a Certificate of Occupancy in ninety (90) days from the issuance of a Certificate for Transfer of Property Title may result in the issuance of a violation and penalty in accordance with Section 55-15.

**§ 55-14. Rental property registration and licensing.  
[Added 5-6-1999 by Ord. No. 4-1999]<sup>1</sup>**

<sup>1</sup> Editor's Note: This ordinance also repealed former § 15-14, Rooming houses and multiple dwellings, as amended.

A. Definitions. Unless the context clearly indicates a different meaning, the following words or phrases, when used in this ordinance, shall have the following meaning:

AGENT — The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this ordinance. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey if such person designated by the owner as his agent is so licensed.

APARTMENT COMPLEX — Two or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

APARTMENT or DWELLING — Any apartment, cottage, bungalow, any room or rooms in a rooming/boarding house or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether the same be designed or used for residence, office, or the operation of any industry or business or for any other type of independent use.

HOTEL/MOTEL ROOM — The term "hotel" shall mean any building, including but not limited to any related structure accessory building, and land appurtenant thereto, and any part thereof, which contains ten (10) or more units of dwelling space or has sleeping facilities for twenty-five (25) or more persons and is kept used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient guests. This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979," P.L. 1979, c. 496 (C.55:13B-1 et al.) or, except as otherwise set forth in P.L. 1987, c. 270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility as defined in this section.

Any transient room or rooms located within a hotel or motel complex, wherein a person or persons may temporarily occupy such room(s) for a period no longer than thirty (30) days. Any room within a hotel or motel complex wherein occupancy is thirty (30) days or longer is considered a rental unit as otherwise defined in this ordinance and it shall be required to obtain a Certificate of Occupancy and Rental Registration for the same prior to occupancy. After the adoption of this ordinance, no hotel or motel room may be altered or used in any way wherein the transient room becomes used as a rental unit. [Added 4-23-2009 by Ord. No. O14-2009]

LICENSE — The license issued by the City Clerk or designee attesting that the rental unit has been properly registered in accordance with this ordinance.

LICENSEE — The person to whom the license is issued pursuant to this ordinance. The term "licensee" includes within its definition the term "agent" where applicable.

OWNER — Any person or group of persons, firm, corporation, or officer thereof, partnership association or trust who owns, operates, exercises control over or is in charge of a rental facility.

PERSON — An individual, firm, corporation, partnership, association, trust or other legal entity, or any other combination thereof.

RENTAL FACILITY — Every building, group of buildings or a portion thereof which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration to one or more individuals and is meant to include apartments and apartment complexes or is used for office, industrial, or commercial operations.

(Cont'd on page 5513)



RENTAL UNIT — A unit which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes; owner-occupied units shall not be considered rental units; however, they will be subject to inspection as enumerated in Subsection G(1).

- B. Registration. All rental units shall hereafter be registered with the City Clerk or designee of the City of Gloucester City, or such other person as designated by the Common Council on forms which shall be provided for that purpose and which shall be obtained from the City Clerk or designee. Such registration shall occur on an annual basis as provided herein.
- C. Registration and licensing; term; initial registration provisions. Each rental unit shall be registered with each change in occupancy. The license term shall commence on January 1 and shall be valid until December 31\* of the following calendar year, at which time it shall expire and a new registration shall be required. The initial registration shall occur within 45 days following the adoption of this ordinance. Any lease which has been executed prior to the adoption of this ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this ordinance. **[Amended 12-1-2005 by Ord. No. O31-2005]**
- D. Registration forms; filing; contents. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed

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\*Editor's Note: All Rental Property Registration Licenses issued and valid for the July 1, 2005 through June 30, 2006 term shall be hereby extended and remain valid until December 31, 2006, at which time it shall expire and a new registration (renewal) is required. Application for such renewal registration is due November 1, 2006 and will be considered late on or after December 31, 2006 and a surcharge applied.

as provided herein. Every owner shall file with the City Clerk or designee of the City of Gloucester City, or such other person as designated by the Common Council, a registration form for each unit contained within a building or structure which shall include the following information.

- (1) The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation, together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours.
- (2) If the address of any record owner is not located in Gloucester City or in Camden County, the name and address of a person who resides in Camden County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.
- (3) The name and address of the agent of the premises, if any.
- (4) The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.
- (5) The name, address and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any

unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.



by the inspector shall result in the issuance of a summons III in accordance with § 55-15, Violations and Penalties.

H. Access for inspections; repairs.

- (1) The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this ordinance to safeguard the health, safety, welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.
- (2) Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or any lawful order issued pursuant thereto.
- (3) Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this ordinance, an inspecting officer shall conduct an inspection as hereinbefore provided.

I. Prohibitions on occupancy. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit within the City of

Gloucester City which is not registered and licensed in accordance with this ordinance.

- J. Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one rental unit is contained in the property.
- K. Fees. At the time of the filing of the registration form and prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following:
- (1) The below annual fee schedule is in effect:

Efficiency unit (no bedroom)	\$100.00 per year
One (1) bedroom unit	\$125.00 per year
Two (2) bedroom unit	\$150.00 per year
Three (3) or more units	\$175.00 per year

[Amended 12-1-2005 by Ord. No. O31-2005; 4-26-2007 by Ord. No. O05-2007; 5-27-2010 by Ord. No. O10-2010; 2-28-2013 by Ord. No. O03-2013]
  - (2) A reinspection fee of \$50, when necessary.  
[Amended 12-1-2005 by Ord. No. O31-2005; 6-17-2010 by Ord. No. O12-2010]
  - (3) If the owner of the property resides in a unit of the property, there shall be no fee for that particular unit.
  - (4) If any fee is not paid within 30 days of its due date, a late fee surcharge of \$60. will be assessed. Failure to pay the required fee(s) within 60 days of its due date shall result in the issuance of a summons

against the owner in accordance with § 55-15, Violations and penalties. **[Amended 12-1-2005 by Ord. No. O31-2005]**

- (5) The annual registration fee shall be due on November 1st (due date) of the year preceding the license term. **[Added 12-1-2005 by Ord. No. O31-2005]**
- (6) The annual registration fee for a hotel or motel room shall be \$50. per year. Said hotel or motel room shall be inspected annually as provided elsewhere in this ordinance and all other requirements apply to the same; however, occupants need not be registered with the City. **[Added 4-23-2009 by Ord. No. O14-2009]**



- (6) The name and address of every holder of a recorded mortgage on the premises.
  - (7) If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
  - (8) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit, if applicable. In order to satisfy the requirement of this provision, an owner shall submit a floor plan which shall become part of the application and which shall be attached to the registration form when filed with the City Clerk or designee;
  - (9) Such other information as may be prescribed by the city.
- E. Registration form; indexing and filing; public inspection; fee. The City Clerk or designee shall index and file the registration forms. In doing so, the City Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this ordinance.
- F. Registration form; amendments; filing. Every person required to file a registration form pursuant to this ordinance shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership of the premises is changed.
- G. Periodic inspections.

- (1) Each rental unit shall be inspected at least once every twelve-month period, inclusive of adjoining owner-occupied units within same property.
- (2) Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the City of Gloucester City, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the City of Gloucester City shall not be used as a valid substitute.
- (3) Such inspection shall be for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and/or Uniform Fire Safety Act.
- (4) Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 60 days, and if not made within that time period, the owner shall be deemed in violation of this ordinance, and every day the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 55-15 of this code. Violations of a life-hazard nature in an occupied unit must be corrected immediately. Failure to correct life hazard violations as directed

- L. Providing registration form to occupants and tenants. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this ordinance. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Law as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).
- M. Maximum number of occupants; occupant registration. The names of all persons occupying a rental unit must be filed with the City on forms provided as enumerated elsewhere in § 55-14. Only those occupants whose names are on file with the City may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § 55-15 of this Code. **[Amended 11-4-1999 by Ord. No. 14-1999; 12-29-2003 by Ord. No. 21-2003]**
- N. Taxes and other municipal charges; payment precondition for registration and license. No rental unit may be registered and no license shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.
- O. Other rental unit standards. All dwelling units shall be maintained in accordance with the Uniform Construction Code and/or the BOCA National Property Maintenance Code, as well as the following standards:
- (1) Lavatory facilities. At least one flush water-closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Housing Inspector or designee and in good

working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities, provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than  $\frac{1}{2}$  the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonable accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Housing Inspector or designee.

- (2) Linens and towels. Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the same in a clean and sanitary manner and shall furnish clean bed linen and towels at least once a week and prior to the letting of any room or dwelling unit to any occupant.
- (3) Floor space. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 feet of floor space for each occupant thereof. No sleeping area shall be located in a basement or cellar unless the same has a direct means of egress at grade to the exterior.

(Cont'd on page 5514.7)

- (4) Egress. Every rooming unit or dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.
- (5) Sanitary maintenance. The operator of every rooming house or multiple dwelling shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the rooming house or multiple dwelling, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- (6) Applicability. Every provision of this ordinance which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

P. Occupant(s) standards.

- (1) Occupants. Only those occupants whose names are on file with the City Clerk as provided in the ordinance may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant, or other person residing in said premises.
- (2) Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance as defined in the ordinances of the City of Gloucester City.
- (3) Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable

ordinances and regulations of the City of Gloucester City and with all applicable state and federal laws.

- (4) Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 55-15 of this code.

Q. Revocation of license; procedure.

- (1) Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:
  - (a) Conviction of a violation of this ordinance in the Municipal Court or any other court of competent jurisdiction.
  - (b) Determination of a violation of this ordinance at a hearing held pursuant to Subsection Q(2) herein.
  - (c) In the event of three (3) or more occasions of two (2) years renting the unit or units to tenant(s) or person who are convicted of Chapter 41, Disorderly Persons, as well as any criminal statute as defined by the New Jersey Statutes Annotated. **[Amended 2-28-2013 by Ord. No. O03-2013]**
  - (d) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this ordinance.
  - (e) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.
- (2) Procedure; written complaint; notice; hearing.
  - (a) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Director of Public

Safety, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the City Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.

- (b) Upon the filing of such written complaint, the City Clerk or designee immediately inform the City Council and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The City Clerk or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the agent at the address indicated on the registration form. Hand delivery or mail service upon the agent shall be sufficient.
- (c) The hearing required by this section shall be held before the City Council unless, in its discretion, the City Council determines that the matter should be heard by a hearing officer who shall be appointed by the City Council. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact and conclusions of law to the City Council within 30 days of the conclusion of the hearing. City Council shall then review the matter and may accept, reject or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by City Council, then the City Council shall render a decision within 30 days of the

conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one or more subsequent license years.

- (d) A stenographic transcript or recording shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply and the evidential rules and burden of proof shall be that which generally controls administrative hearings.
  - (e) The City Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.
- (3) Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

#### § 55-15. Violations and penalties.

Any person, firm or corporation who or which shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail for a period not exceeding 90 days or a period of community service not exceeding 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this ordinance and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

**§ 55-16. Severability.**

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this ordinance are hereby declared to be severable.

**§ 55-17. Additional powers of enforcement officer.**

The Housing Inspector is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Part 1, including the following, in addition to others herein granted:

- A. To investigate the dwelling conditions in the City of Gloucester in order to determine which dwellings therein are unfit for human habitation.

(Cont'd on page 5515)



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- B. To administer oaths and affirmations, examine witnesses and receive evidence.
- C. To enter upon premises for the purposes of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- D. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this Part 1.
- E. To delegate any of his functions and powers under this Part 1 to such officers and agents as he may designate.

**§ 55-18. Construal of provisions.**

Nothing in this Part 1 shall be construed to abrogate or impair the power of the city or any officer or department to enforce any provisions of its Charter or its ordinances or regulations or to prevent or punish violations thereof, and the powers conferred by this Part 1 shall be in addition and supplemental to the powers conferred upon the city by any other law or ordinance.

**Part 2  
Enumeration of Standards**

**ARTICLE II  
New Jersey State Housing Code**

**§ 55-19. Standards to determine fitness of buildings.**

The provisions of this Part 2 shall constitute the standards to guide the Housing Inspector or his agents in determining the fitness of a building for human habitation, use or occupancy.

**§ 55-20. Definitions.**

The words, terms or phrases listed below for the purpose of this code shall be defined and interpreted as follows:

**ADMINISTRATIVE AUTHORITY** — The department, branch or agency of this municipality which is authorized by the adopting ordinance to administer the provisions of this code.

**BUILDING** — Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenance belonging thereto or usually enjoyed therewith.

**DWELLING** — A building or structure or part thereof containing one (1) or more dwelling units or lodging units.

**DWELLING UNIT** — Any room or group of rooms or part thereof located within a building and forming a single habitable unit, with facilities which are used or designed to be used for living, sleeping, cooking and eating.

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

**HABITABLE ROOM** — A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water-closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

**INFESTATIONS** — The presence, within or around the building, of any insects, rodents or other pests.

**LODGING HOUSE** — Any building or that part of any building containing one (1) or more lodging unit, each of which is rented by one (1) or more persons not related to the owner.

**LODGING UNIT** — A rented room or group of rooms, containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

OCCUPANT — Any person or persons in actual possession of and living in the building or dwelling unit, including the owner.

OWNER — Any person properly authorized to exercise powers of or for any owner of property for purposes of its purchase, sale, use, occupancy or maintenance.

PERSON — The same meaning as defined in N.J.S.A. 1:1-2.

PLUMBING FIXTURES — Include all installed receptacles or devices which are supplied with water or which receive or discharge liquid waste or sewage into the draining system to which they are directly or indirectly connected.

PUBLIC OFFICER — The office or officers who are authorized by the adopting ordinance to exercise powers prescribed by this code.

RUBBISH — Includes all combustible and noncombustible waste material, except garbage.

UTILITIES — Include electric, gas, heating, water and sewage services and equipment therefor.

**§ 55-21. Water supply.**

- A. Every dwelling unit and lodging house shall be provided with a safe supply of potable water meeting the standards as set forth in Potable Water Standards, as published by the New Jersey Department of Health.
- B. The source of such water supply shall be approved by the New Jersey State Department of Health and/or the Board of Health.
- C. The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall not be less than one (1) gallon per minute.

**§ 55-22. Facilities.**

- A. Every dwelling unit shall contain a kitchen sink of nonabsorbent impervious material, at least one (1) flush-type water closet, a lavatory and a bathtub or shower available only for the use of occupants of that dwelling unit.
- B. Every lodging house shall be provided with a minimum of one (1) flush-type water closet, lavatory and a bathtub or shower for every eight (8) persons or part thereof.
- C. Every water closet, lavatory and bathtub or shower for each dwelling unit or lodging house shall be accessible from within the building, without passing through any part of any other dwelling unit or lodging unit, and in a lodging house shall be located no farther than one (1) floor above or below the lodging units served. Such water closet, lavatory and bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors or partitions that afford privacy.
- D. Every plumbing fixture shall be connected to water and sewer systems approved by the Board of Health and shall be maintained in good working condition.
- E. Every kitchen sink, laboratory and bathtub or shower required by this code shall be connected to both hot and cold water lines.
- F. Every dwelling shall have water-heating facilities which are installed and maintained in good and safe working conditions, connected with the hot water lines required under the provisions of Subsection 4.5 of this code, and capable of delivering water at a minimum temperature of not less than one hundred twenty degrees Fahrenheit (120° F.).

**§ 55-23. Storage of garbage and rubbish.**

- A. Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight-fitting covers. At least two (2) approved-type garbage receptacles, one (1) for recyclable items and one (1) for other trash, shall be provided

for each dwelling unit, in accordance with Section 55-27(9) of this code.

- B. Rubbish shall be stored in receptacles of metal or other approved material. At least one rubbish receptacle shall be provided for each dwelling unit, in accordance with Subsection 12.9 of this code.
- C. The storage receptacles as required by this subsection, as well as Chapters 50 and 51 of this code, if maintained outdoors, shall be stored beyond the front yard and/or street side yard setback requirements of the property, as defined in the Development Ordinance of Gloucester City, in such a way that they are not visible from the public street, sidewalk or right-of-way. Trash and recycling receptacles and dumpsters shall never be stored in the front yard or street side yard of any residential, commercial, office or industrial building. Trash dumpsters shall be screened from view by a wall or fence with gates. **[Added 4-1-1999 by Ord. No. 2-1999]**

**§ 55-24. Lighting.**

- A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops for every habitable room shall be 8% of the floor area of such room. Whenever walls or other portions of structures face a window of any habitable room and are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimum total window area.
- B. Every dwelling shall be provided with electric service at a minimum of one hundred amperage electrical service. **[Amended 5-6-2004 by Ord. No. 009-2004]**
- C. Every habitable room shall contain at least two separate duplex wall-type electric convenience outlets or one such convenience outlet and one ceiling or wall-type electric

light fixture. Every kitchen shall contain at least two separate duplex ground-fault wall-type electric convenience outlets at or near a kitchen sink. Every bathroom shall contain at least one duplex ground-fault wall-type electric convenience outlet. Every such outlet and fixture shall be maintained in good and safe condition and shall be connected to the source of electric power. No temporary wiring shall be used, except extension cords which run directly from portable electrical fixtures to convenience outlets and which do not lie under rugs or other floor coverings nor extend through doorways, transoms or other openings through structural elements.

- D. Every portion of each staircase, hall, cellar, basement, landing, furnace room, utility room and all similar nonhabitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (two footcandles) in the darkest portions.
- E. Every portion of any interior or exterior passageway or staircase common to two or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (two footcandles) in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two dwelling units, such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.
- F. Every bathroom and water-closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three lumens per square foot (three footcandles). Such light shall be measured 36 inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.

**§ 55-25. Ventilation.**

- A. Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50% of the minimum window area or minimum skylight area, as required in Subsection 6.1 of this code or by other means acceptable to the administrative authority, which will provide at least two air changes per hour.
- B. Means of ventilation shall be provided for every bathroom or water-closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50% of the minimum window area or minimum skylight area, as required in Subsection 6.1 of this code or by other means acceptable to the administrative authority, which will provide at least six air changes per hour.

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**§ 55-26. Heating equipment.**

- A. Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working conditions and capable of safely and adequately heating all habitable rooms, bathrooms and water-closet compartments located therein to a temperature of at least sixty-eight degrees Fahrenheit (68° F.) when the outside temperature is zero degrees Fahrenheit (0° F.). The temperature shall be read at a height of three (3) feet above floor level at the center of the room.
- B. Every space heater, except electrical, shall be properly vented to a chimney or duct leading to the outdoors. Unvented portable space heaters, burning solid, liquid or gaseous fuels, shall be prohibited.

**§ 55-27. Egress.**

- A. Every dwelling, dwelling unit or lodging unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling or part thereof and shall lead to a safe and open space at ground level accessible to the street.
- B. A room used for sleeping purposes under the provisions of Section 55-26(5) of this code shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.
- C. There shall be not fewer than two (2) independent exits, remote from each other, from every floor of a building greater than two (2) stories in height having more than two (2) dwelling and/or lodging units.

**§ 55-28. Maintenance.**

- A. Every foundation, floor, wall, ceiling, door, window, roof or other part of a building shall be kept in good repair and capable of the use intended by its design, and any exterior

part or parts thereof subject to corrosion or deterioration shall be kept well painted.

- B. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every stairway having three (3) or more steps shall be properly banistered and safely balustraded.
- C. Every porch, balcony, roof and/or similar place higher than thirty (30) inches above the ground used for egress or for use by occupants shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and be not less than three (3) feet in height.
- D. Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.
- E. Every foundation, floor and wall of a dwelling shall be free from chronic dampness.
- F. Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodentproofing and verminproofing may be required by the Board of Health. Rodent and vermin extermination shall be carried out in accordance with Section 55-27(11) of this code. Every openable window, exterior door, skylight and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1 until October 1 of each year. Such screens shall have mesh of not less than No. 16.
- G. Every building, dwelling, dwelling unit and all other areas of the premises shall be clean and free from garbage and rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.
- H. The public officer may order the owner to clean, repair, paint, whitewash or paper such walls or ceilings, when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin or when such a wall or ceiling

has become stained or soiled or the plaster, wallboard or other covering has become loose or badly cracked or missing. Nothing in this subsection shall be so construed as to place upon the nonresident owner responsibilities for cleanliness contained in Section 55-27(6) of this code.

- I. Every water-closet compartment floor and bathroom floor shall be so constructed and maintained as to be impervious to water, so as to permit such floor to be kept in a clean condition.

**§ 55-29. Use and occupancy of space.**

- A. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- B. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- C. At least one-half ( $1/2$ ) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- D. A room located in whole or in part below the level of the ground may be used for sleeping, provided that the walls and floor thereof in contact with the earth have been dampproofed in accordance with a method approved by the administrative authority, and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

**§ 55-30. Responsibilities of owners and occupants.**

- A. No owner or occupant shall cause any services, facilities, equipment or utilities which are required under this code to be removed from, shut off or discontinued in any occupied dwelling let or occupied by him, except for temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is authorized by the public officer. In the event that any service or utility which the owner has agreed to supply is discontinued, the owner shall take immediate steps to cause the restoration of such service or utility.
- B. The owner of a dwelling located in an area found by the public officer to be infested by rats, insects or other vermin shall carry out such rat stoppage, verminproofing or other means of preventing infestations of said dwellings as may be required by the Board of Health.
- C. No owner shall occupy or let to an occupant any vacant dwelling unit or lodging unit unless it is clean and sanitary.
- D. Every owner of a dwelling containing two (2) or more dwelling units or lodging units shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwellings and premises thereof.
- E. It shall be the responsibility of the owner, unless otherwise provided for under lease agreement, to provide for the orderly maintenance of the premises. The storage of objects or materials not covered in Sections 55-27(7) and 55-27(8) of this code or not otherwise prohibited by municipal ordinances shall be done in an orderly manner so as to not constitute a health, safety or fire hazard.
- F. Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the dwelling which he occupies and controls.
- G. Every occupant of a dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, by placing it in the garbage disposal facilities

or garbage storage receptacles required by Section 55-23(1) of this code.

- H. Every occupant of a dwelling unit shall dispose of all his rubbish in a clean sanitary manner by placing it in the rubbish containers required by Section 55-20(2) of this code.
- I. In dwellings containing no more than three dwelling units, it shall be the responsibility of the occupant of each dwelling unit to furnish the receptacles outside the dwelling unit as are needed for the storage of garbage and rubbish until removal from the premises. In lodging houses and in dwellings containing four or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside the lodging units or dwelling units as are needed for the storage of garbage and rubbish until removal from the premises.
- J. Every occupant of a dwelling unit in a dwelling containing no more than three dwelling units shall be responsible, unless provided for otherwise under a lease agreement, for the periodic removal of all garbage and rubbish from the premises each week in accordance with such regulations of the municipality for the collection of garbage and rubbish.
- K. Every occupant of a dwelling comprising a single-dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the common parts of any dwelling containing two or more dwelling units,

extermination thereof shall be the responsibility of the owner.

- L. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- M. In dwellings containing two or more dwelling units having a common source of heat for domestic hot water, it shall be the responsibility of the owner to make provision for the proper operation of such facilities at all times.
- N. Every owner of a dwelling who permits to be occupied any dwelling unit or lodging unit therein under any agreement, expressed or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain therein a minimum inside temperature in all habitable rooms, bathrooms and water-closet compartments of sixty-eight degrees Fahrenheit (68° F.) between the hours of 6:00 a.m. and 11:00 p.m. and sixty-five degrees Fahrenheit (65° F.) between the hours of 11:00 p.m. and 6:00 a.m., from October 1 of each year to the next succeeding May 1.
- O. In the absence of a contract or agreement to the contrary, an owner shall be obliged to provide heat wherever heating facilities are under the control of the owner or whenever two or more dwelling units or lodging units are heated by a common facility.
- P. The owner shall be responsible for compliance with all provisions of this code not specified as the responsibility of occupants.
- Q. Upon the vacancy of any dwelling unit or other premises, whether for residential, commercial or industrial use, and regardless of vacancy being effected voluntarily or by eviction, the owner shall be responsible for the disposal of any and all unwanted furnishings, trash, junk and debris when the same is in excess of the limits

established in § 51-3H of this Code. Such disposal shall be by a private hauler contracted by the owner. Unwanted furnishings, trash, junk and debris that are within the limits established by § 51-3H shall be placed at curbside for disposal only in accordance with § 51-5 of this Code. [Added 5-6-1999 by Ord. No. 4-1999]

ARTICLE III  
Supplemental Provisions

§ 55-31. (Reserved)<sup>2</sup>

§ 55-32. Tenants' access to electrical box.

All tenants in dwelling units must have direct access to electrical fuse boxes or breaker panels.

<sup>2</sup> Editor's Note: Former § 55-31, Smoke alarms, was repealed 4-3-2003 by Ord. No. 5a-2003. See now § 55-13C(1).

