

**TOWN OF BOONTON**  
**ORDINANCE 04-21**

**AN ORDINANCE, AMENDING THE TOWN CODE OF BOONTON BY REPEALING, IN ITS ENTIRETY, CHAPTER 214 ENTITLED “PROPERTY MAINTENANCE” AND REPLACING IT, IN ITS ENTIRETY, WITH CHAPTER 215 TO BE ENTITLED, “PROPERTY MAINTENANCE”**

**WHEREAS**, the Town Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of Town and maintain a high quality of life for the citizens of the Town through the maintenance of structures and properties in the Town; and

**WHEREAS**, the Town Council would like to amend the current property maintenance codes to better regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Town Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is desired to address neglected properties; and

**WHEREAS**, the Town Council has a vested interest in protecting neighborhoods against decay and concludes that it is in the best interest of the health, safety, and welfare of its citizens and residents to amend the current code.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY THAT:**

The Town Council finds that the implementation of the following changes and additions will assist the Town in protecting neighborhoods from the negative impact and conditions that occur as a result of neglect with existing Town regulations and laws.

**Chapter 214, PROPERTY MAINTENANCE**

**GENERAL REFERENCES**

**Numbering of buildings -- See Ch. 87**

**Uniform construction codes -- See Ch. 87**

**Land use and development -- See Ch. 300.**

**Solid waste disposal -- See Ch. 246.**

**Garbage, rubbish, refuse and litter -- See Ch. 246 & 303.**

**Weed control -- See Ch. 254.**

**SECTION I.**

**§ 214-1. Adoption of standards; availability of copies.**

A certain document, three copies of which have been placed on file in the office of the Municipal Clerk of the Town of Boonton, being marked and designated as the "Property Maintenance Code," dated November 2020 be and is hereby adopted as the Property Maintenance Code of the Town of Boonton, in the County of Morris and in the State of New Jersey, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter.

**§ 214-2. Effect on existing proceedings.**

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

**§ 214-3. Violations and penalties; repeat offender**

Any person, firm or corporation who or which shall violate any of the provisions of this chapter shall be subject to one or more of the following: a fine not exceeding \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.

A. Any person who is convicted of violating this chapter within one year of the date of a previous violation of this chapter and who was fined for the previous violation, shall be sentenced to an additional fine as a repeat violator. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum nor exceed the maximum fine fixed for a violation of this chapter, but shall be calculated separately for the fine imposed for the violation of this chapter.

B. The Mayor and Board of Aldermen may waive the imposition of an additional fine upon a person for a repeated violation of the provisions of this chapter by a duly adopted resolution of the Mayor and Board of Aldermen.

# **TOWN OF BOONTON**

## **PROPERTY MAINTENANCE CODE**

**December 2020**

## **SECTION 1**

### **ADMINISTRATION AND ENFORCEMENT**

#### **100.0 GENERAL**

**100.1 Title:** These regulations shall be known as the Property Maintenance Code of TOWN OF BOONTON, Morris County, New Jersey hereinafter referred to as this code.

**100.2 Scope:** This code is to protect the public health, ensure adequate property maintenance, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, buildings, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

**100.3 Intent:** This code shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the continued use and maintenance of structures.

**100.4 Referenced standards:** The standards in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

**100.5 Existing remedies:** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers and agencies relating to the removal or demolition of any buildings which are dangerous, unsafe, and unsanitary.

**100.6 Workmanship:** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.

#### **101.0 VALIDITY**

**101.1 Validity:** If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

**101.2 Saving clause:** This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

#### **102.0 APPLICATION OF CODES AND REGULATIONS**

**102.1 Application of other codes:** Any repairs or alterations to a structure, or changes of use therein, shall be done in accordance with the procedures and provisions of the building, plumbing, electrical, and mechanical codes pursuant to the State Uniform Construction Code. [N.J.S.A. 52:27D-119 et seq.]

**102.2 Other regulations:** The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those provided herein. In the event of conflict, the most restrictive provision shall apply.

#### **103.0 APPROVAL**

**103.1 Approved materials and equipment:** All materials, equipment and devices approved for use by the code official shall be constructed and installed in accordance with such approval.

**103.2 Modifications:** Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the Appeals Board shall be permitted to vary or modify such provision upon application of the owner or the owner's representative, provided that the spirit and intent of the law shall be observed and public welfare and safety assured.

**103.3 Records:** The application for modification and the final decision of the Appeals Board shall be in writing and shall be officially recorded in the permanent records of the Board.

**103.4 Used materials and equipment:** Used materials, equipment and devices shall not be reused unless such materials have been reconditioned, tested and placed in good and proper working condition and approved for use by the code official.

**103.5 Alternative materials and equipment:** The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**103.6 Research and investigations:** The code official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the code official shall approve the use of such material or assembly subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

## **104.0 DUTIES AND POWER OF CODE OFFICIAL**

**104.1 General:** The code official shall enforce all the provisions of this code.

**104.2 Notices and orders:** The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with the requirements of this code for the safety, health, and general welfare of the public.

**104.3 Inspections:** In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code.

**104.4 Access by owner or operator:** Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

**104.5 Right of entry:** If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek the assistance of the Police Department of the Town of Boonton to gain entry to the premises or may seek from a Court of competent jurisdiction, an Order that such owner, occupant, or other person in charge cease and desist with such interference.

**104.6 Credentials:** The code official and authorized representatives shall carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

**104.7 Coordination of enforcement:** Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

**104.8 Rulemaking authority:** The code official shall have powers to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating an accepted engineering practice involving public safety.

**104.9 Organization:** The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy and shall exercise all the powers of the code official during the temporary absence or disability of the code official.

**104.10 Relief from personal liability:** Any code official, officer or employee who acts in good faith in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage accruing to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the code official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

**104.11 Official records:** An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations to maintain the integrity and security of such records.

## **105.0 CONDEMNATION**

**105.1 General:** When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and shall be placarded, vacated and shall not be reoccupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

**105.2 Unsafe structure:** An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure by not providing minimum safeguards for protection from fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely.

**105.3 Unsafe equipment:** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**105.4 Structure unfit for human occupancy:** A structure is unfit for human occupancy or use whenever the code official finds that such structure is unsafe, unlawful, or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**105.5 Unlawful structure:** An unlawful structure is one found in whole or in part be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**105.6 Closing of vacant structures:** If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official shall be permitted to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**105.7 Notice.** Whenever the Code Official has condemned any structure or equipment under the provisions of Section 105.0, notice shall be given to the owner or person or persons responsible therefore in the manner prescribed under Section 106. The Code Official who has condemned the property or part thereof, shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

**105.8 Placarding of structure:** After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure of the owner or persons responsible to comply within the time given, the code official shall post on the premises or structure or parts of thereof, or on defective equipment, a placard bearing the words: "condemned as unfit for human occupancy or use", and a statement of the penalties provided for any occupancy or use or for removing the placard.

**105.9 Prohibited use:** Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise shall be liable for the penalties provided by this code.

**105.10 Removal of placard:** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

## **106.0 NOTICES**

**106.1 Notice of Violation.** Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, then the enforcing agency shall issue and cause to be served upon the owner of the building, structure or premises, or person or persons responsible therefore, a written notice requiring the owner or said persons to terminate or cause to be terminated the violations. The written notice shall state the nature of the violations and a reasonable specified time within which the violations shall be corrected. The written notice shall also require the owner or said persons to take or cause to be taken any affirmative action necessary to correct the violations. The written notice shall also advise the owner or persons responsible that they have a right to file an appeal with the Town Business Administrator or his designee of the Town of Boonton.

**106.2 No Notice required:** Notwithstanding Section 106.1, the Code Official, on discovery of a violation of Sections 105.5, 108, 301.4, 301.4.1, 403, 504.3, 601.1, 602.1, 704.5, and 705.1 may immediately issue a summons answerable in municipal court, to any person, firm or corporation who shall violate any of the above-named sections. For each and every violation of the above-named sections a separate summons may be issued. In addition, for each and every day that the violation continues, a separate summons may be issued.

A notice shall not be required to be issued if a violation occurs, for which a prior notice was issued for the same violation within one (1) year.

**106.3 Service:** Service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, or at the property in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation.

**106.4 Issuance of Summons.** Upon the expiration of the period set forth in any notice for the correction of any violation, if the violation is not corrected or in the opinion of the Code Enforcement Officer, corrected improperly, the Code Enforcement Office without further notification shall have the right to issue a summons for the violation. For each and every violation a separate summons may be issued. In addition, for each and every day that the violation continues, a separate summons may be issued.

**106.5 Transfer of ownership:** It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation or upon whom a notice of violation or summons has been served to sell, transfer, , lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the code official a signed and notarized statement from the grantee, transferee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **107.0 EMERGENCY MEASURES**

**107.1 Vacating structures:** When, in the opinion of the code official, there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or use of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. He shall cause to be posted at the main entrance to such structure a notice reading as follows: It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the structure.

**107.2 Temporary safeguards:** Notwithstanding the other provisions of this code, whenever, in the opinion of the code official, there is actual and immediate danger of collapse or failure of a structure or other hazardous condition which would endanger life, the code official shall order the necessary work to be done including the boarding up of accessible openings, to render such structure temporarily safe and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**107.3 Closing Streets:** When necessary for public safety, the code official shall temporarily close sidewalks, street, places and premises adjacent to such unsafe structure, and prohibit the same from being used.

**107.4 Emergency work:** For the purposes of this section, the code official shall employ the necessary labor and materials to carry out emergency services.

**107.5 Cost of emergency work:** Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the code official. The Town has the right to institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

## **108.0 ANNUAL REGISTRATION AND LICENSE REQUIRED**

### **108.1 Registration and license**

A. Each housing unit shall be registered annually. The registration term shall commence August 1 of each year and such registration shall be valid until July 31 of the next year, at which time it shall expire and a new registration shall occur. No housing unit shall hereafter be rented unless the housing unit is registered and licensed in accordance with this chapter.

B. Change of tenancy in a housing unit shall require inspection. Said license shall only be issued upon inspection of the property and finding that: a) the visible parts of the property, buildings and structures that are to be covered by the license have been inspected by the Code Enforcement Officer or designee and that no visible violations of the building or property maintenance codes exist, and b) the housing use proposed by the owner is a valid conforming use in the zone as determined by the Code Enforcement Officer or designee. A separate license shall be required for each and every individual housing unit existing on a property.

C. The license shall state: a) the permitted use and/or tenancy; b) the occupancy limitations stipulated in § 214-403.5; c) compliance with fire protection systems; d) compliance with carbon



monoxide detection systems; and e) the names of the owner, lessor, lessee and/or tenant. Any use of the property in question or occupancy limitation violations taking place on the property not specifically authorized by the license shall be deemed a violation of this section and shall be subject to an immediate summons.

### **108.2 Inspections.**

**A.** Each housing unit shall be inspected at least: a) upon the initial registration of a housing unit; b) upon a change of occupancy; c) when deemed necessary by the municipal Code Enforcement Office; and d) as otherwise necessitated by safety considerations, alleged violations and as otherwise required by this chapter. The initial inspection shall occur prior to occupancy in which a license is sought pursuant to this chapter.

**B.** 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 New Jersey State Housing Code and/or municipal building code and/or Uniform Fire Safety Code and/or the Property Maintenance Code.

**C.** In the event that the inspection of a housing unit does not result in a satisfactory determination, 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 housing unit into compliance with the applicable codes and the property is thereafter subsequently registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days unless safety considerations, as determined by the Code Enforcement Officer or designee, require immediate correction. If not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall constitute a separate offense.

**D.** No property shall be licensed unless the owner thereof produces, at the time of registration, a current, valid certificate of inspection indicating that the property has been inspected by the officials of the Town of Boonton having jurisdiction and that the property does not contain any code violations.

A separate License shall be required for each and every individual tenant space that exists on a property including but not limited to the occupancy of any business space, building or part thereof, dwelling unit, rooming unit, lodging unit or boarding unit.

No License shall be issued without providing the name(s) of the renter, lessee or buyer that will assume the occupancy and/or ownership of the space in question.

The License shall indicate:

- A. the permitted use and/or tenancy,
- B. the Occupancy Limitations as stipulated in Section 403 that are authorized by said Certificate,
- C. compliance with Section 704 – Fire Protection Systems
- D. compliance with Section 705 – Carbon Monoxide Detection Systems
- E. the name(s) of the seller, buyer, lessee and/or tenant as applicable.

Any use of the property in question or occupancy limitation violations that takes place on the property, that is not specifically authorized by the Certificate that is in effect at the time, shall be deemed an illegal occupancy which is a violation of this section and shall be subject to an immediate summons.

The fee for a License shall be as follows:

Residential detached Single Family dwelling***:	\$50.00 per dwelling unit
Residential Two (2) Family or Multi-Family dwelling:	\$50.00 for the first dwelling unit plus \$25.00 per additional dwelling unit
Rooming or Boarding House:	\$100.00 for the dwelling unit plus \$10.00 per rooming/boarding unit
Commercial, Retail and Industrial:	\$100.00 per unit.

Fee amounts for the following shall be as provided in Chapter 130, Fees, Article III, Fee Schedule:

A. For any building that has three or more housing units that is inspected by the State of New Jersey.

B. At the time of filing the housing registration form and prior to the issuance of the license, the owner or agent of the owner must pay a fee per housing unit. Owner-occupied housing units are exempt from the fee.

C. The above fee includes the cost of the initial inspection. Additional inspections, whether due to a change of tenants, noncompliance or inability to gain access for a scheduled reinspection, will require the payment of a fee per reinspection visit. The cost for all inspections related to the issuance of a license shall be paid in full no less than 24 hours prior to the scheduled reinspection.

D. If any fee is not paid within 30 days of its due date, a late fee charged at the prevailing rate as set forth in the applicable resolution of the Board of Aldermen will be assessed

### **108.3 Registration forms.**

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all housing units shall be registered and licensed as provided herein. Every owner shall file with the Code Enforcement Officer or designee a registration form for each housing unit contained within a building or structure which shall include the following information:

A. The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the housing unit, if not the same persons, shall be provided. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during the day and evening hours, which telephone numbers shall include cell phone numbers. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided, together with the telephone number for each such individual indicating where such individual may be reached both during the day and evening hours, which shall include providing the cell phone numbers of each such

individual. All registration addresses shall be physical addresses; post office boxes alone are insufficient.

B. If the address of the owner of record is not located in the County of Morris, the name, address and telephone number of a person who resides in the County of Morris who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the owner of record.

C. The name, address and telephone number of the managing agent of the premises, if any.

D. The name, address and telephone number of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any.

E. The name, address and telephone number of an individual representative of the owner of record or managing agent who may be reached or contacted 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.

F. The name and address of every holder of a recorded mortgage on the premises.

G. 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.

H. As to each housing unit, a specification of the exact number of sleeping rooms contained in the housing unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof. In order to satisfy the requirements of this provision, an owner shall submit a floor plan which shall become a part of the application and which shall be attached to the registration form when filed by the Building Code Official or designee.

I. Name, address and telephone number of any and all rental agencies with the authority to lease or otherwise permit occupancy of the subject premises.

J. Name, age, and address, including the housing unit number, of each occupant or tenant occupying the housing unit.

K. Whether or not the landlord has conducted a tenant screening for each new tenant and authorized adult household member.

L. Such other information as may be prescribed by the Town on the appropriate form or otherwise by ordinance or resolution.

#### **108.4. Registration forms available for public inspection.**

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Code Enforcement Officer or designee shall index and file the registration form and make it reasonably available for public inspection. In doing so, the Code Enforcement Officer 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 chapter. The Code Enforcement Officer or designee shall maintain a master index of all such registration forms, and any person may obtain from the Code Enforcement Officer or designee a list of all housing units properly registered and licensed upon payment of a fee as indicated in Chapter 130, Fees, Article III, Fee Schedule.

#### **108.5. Amended registration forms.**

Every person required to file a registration form pursuant to this chapter shall file an amended registration form within 20 days of any change in the information required to be included thereon. No fee shall be required for the filing of an amendment with the exception of a change in ownership of the premises

## **109.0 DEMOLITION**

**109.1 General:** The code official shall order the owner of any premises upon which is located any structure or part thereof, which in the code official's judgment is old, dilapidated or has become out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and that such structure would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if such structure can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

**109.2 Order:** The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. The order shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published once each week for three successive weeks in a newspaper authorized to provide service by publication.

**109.3 Failure to comply:** Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**109.4 Salvage materials:** When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the terms of expense and the amounts deducted, for the use of the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **110.0 VIOLATIONS**

**110.1 Unlawful acts:** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

**110.2 Other Rights:** Nothing herein shall prevent the Town from proceeding at law and equity against the person or persons responsible for the violation for the purposes of ordering that person or persons:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the structure which is not in compliance with the provisions of this code.
5. Such other relief as may be deemed necessary.

## **111.0 RIGHT TO APPEAL**

**111.1 Appeal Process.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant thereto, shall have the right to appeal said decision to the Business Administrator of the Town of Boonton. Said appeal shall be on an appeal form provided by the Business Administrator or his designee.

**111.2 Appeal Procedure.** Upon receipt of an appeal, the Business Administrator or his designee shall schedule a hearing at which the Business Administrator or his designee shall informally take information from the Administrative Officer or Officers who served the notice as well as any aggrieved persons. In addition, the Business Administrator or his designee may hear statements from any other parties that he deems necessary. Upon receiving all information, the Business Administrator or his designee shall render a decision in writing to be served on the Administrative Officer and the party bringing the appeal within ten (10) days of such hearing.

**111.3. Stay of Any Action on Notice.** If a timely appeal is filed, any action ordered under the notice shall be stayed until there is a determination of the Business Administrator or his designee on the Appeal unless there is an emergent matter, in the discretion of the Administrative Officer, in which case the person receiving the notice shall be required to take all steps pursuant to the direction of the Administrative Officer to protect the health, safety and welfare of the residents of Boonton.

## **SECTION 2**

### **DEFINITIONS**

#### **200.0 GENERAL**

**200.1 Scope:** Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

**200.2 Interchangeability:** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**200.3 Terms defined in other codes:** Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes, they shall have the same meanings ascribed to them as those codes.

**200.4 Terms not defined:** Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context implies.

**200.5 Parts:** Whenever the words “dwelling unit”, “dwelling”, “premises”, “building”, “rooming house”, “story”, or “structure” are used in this code, they shall be construed as though they were followed by the words, “or any part thereof”.

#### **201.0 APPLIED MEANING OF WORDS AND TERMS**

##### **Agent or Managing Agent**

The individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this chapter. If the owner provides no such designation, the owner shall be considered the agent or managing agent. In any event, the owner shall be responsible for any acts or omission by the designated agent. 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 or Dwelling**

Any apartment, cottage, bungalow or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment is designed for residence, office or the operation of any industry or business or any other type of independent use.

**Approved:** Approved by the code official.

**Basement:** That portion of a building which is partly or completely below grade.

**Bathroom:** A room containing plumbing fixtures including a bathtub or shower.

**Boarding House:** means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel or established guest house wherein a minimum of 85% of the units of dwelling space are offered for limited tenure only, any foster home as defined in section 1 of P.L.1962, c. 137 (C.30:4C26.1), any community residence for the developmentally disabled and any community residence for the mentally ill as defined in section 2 of P.L.1977, c. 448 (C.30:11B-2), any adult family care home as defined in section 3 of P.L.2001, c. 304 (C.26:2Y-3), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary or higher education for the use of its students, any building arranged for single room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the New Jersey Commission on Higher Education, any facility or living arrangement operated by, or under contract with, any State department or agency, upon the written authorization of the Commissioner of the Department of Community Affairs., and any owner-occupied, one-

family residential dwelling made available for occupancy by not more than six guests, where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no income from the occupancy. A dwelling shall be deemed "owner-occupied" within the meaning of this section if it is owned or operated by a nonprofit religious or charitable association or corporation and is used as the principal residence of a minister or employee of that corporation or association.

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

**Building code:** The Building Sub Code adopted pursuant to The Uniform Construction Code.

**Certificate of Compliance** the Certificate issued by the Code Official indicating that the property and/or tenancy has been inspected in accordance with, and complies with those items required by Section 109 at the time of issuance.

**Code official:** The official who is charged with the administration and enforcement of his code, or any duly authorized representative.

**Condemn:** To adjudge unfit for use or occupancy.

**Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping eating, cooking and sanitation.

**Easement:** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**Exterior property:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**Extermination:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by other approved pest elimination methods.

**Garbage:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Habitable space:** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, Toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**Housing Authority:** The Boonton Housing Authority, which is exempt from the provisions of his chapter

**Housekeeping Unit:** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such unit, a toilet, lavatory and bathtub or shower.

**Infestation:** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**Inoperable Motor Vehicle:** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or capable of being moved under its own power.

### **License**

The license issued by the Building Code Officer, or his or her designee, attesting that the housing unit has been properly registered in accordance with this chapter.

### **Licensee**

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

### **Lodging Units**

A 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.

**Let for occupancy or let:** To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner

of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**Multi-Family Housing Units**

Any two or more housing units.

**Owner**

The person who owns, purports to own or exercises control over any building.

**Occupancy:** The purpose for which a building or portion thereof is utilized or occupied.

**Occupant:** Any person living or sleeping in a building; or having possession of a space within a building.

**Openable area:** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**Operator:** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**Owner:** Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Permittee**

A person to whom a permit is issued hereunder.

**Person:** An individual, corporation, partnership or any other group acting as a unit.

**Premises:** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**Plumbing:** The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures appliances, and appurtenances within the scope of the plumbing sub code pursuant to The Uniform Construction Code.

**Plumbing fixture:** A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water there from; or discharges used water, liquid borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

**Premises:** A lot, plot or parcel of land including the buildings or structures thereon.

**Public nuisance:** Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises which has unsanitary sewage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property; or
6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any premises which is unsanitary, or which is lettered with rubbish or garbage, or which has an uncontrolled growth of weeds, or;
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.



**Public Way:** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**Rooming House:** a boarding house wherein no personal or financial services are provided to the residents.

**Rooming Unit:** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**Rubbish:** Combustible and noncombustible waste materials, except garbage, and the term, shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, tires, house appliances, bedding materials and dust and other similar materials.

### **Single Family Rental Property**

Any single-family housing unit which is not owner occupied.

### **Sleeping Accommodations**

The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within any housing unit.

**Structure:** That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

**Tenant:** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**Toilet room:** A room containing a water closet or urinal but not a bathtub or shower.

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

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

**Yard:** An open space on the same lot with a building.

## **SECTION 3**

### **GENERAL REQUIREMENTS**

#### **300.0 GENERAL**

**300.1 Scope:** The provisions of this article shall govern the minimum conditions and standards for maintenance of structures and exterior property.

**300.2 Responsibility:** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy or use premises which are not in a sanitary and safe condition and which do not comply with the requirements of this section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping such unit in a clean, sanitary and safe condition.

**300.3 Vacant structures and land:** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## **301.0 EXTERIOR PROPERTY AREAS**

**301.1 Sanitation:** All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage.

**301.2 Grading and drainage:** All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

*Exception: Water retention areas and/or reservoirs approved by the code official.*

**301.3 Sidewalks and driveways:** All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept and maintained free of hazardous conditions including serious cracks, heaves and missing areas. Stairs shall comply with the requirements of 302.10.

**301.4 Weeds and Excessive Plant Growth:** All developed premises and exterior properties shall be maintained free from weeds or excessive plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation however, this term shall not include cultivated flowers and gardens. Cultivated is defined as “to loosen or dig (soil) around growing plants.” Uncultivated gardens shall be treated the same as weeds and excessive plant growth. “Excessive plant growth” shall mean unpruned shoots, branches or other growth from the plant, projecting more than 10” from the formed crown of the bush or shrub. The intention of this criterion is to insure that property owners maintain their bushes and shrubs in a pruned shape. All “weeds” in excess of 10”, whether growing independent or among other bushes, grass, flowers, shrubs or fruit bearing plants are prohibited. All “noxious weeds” as defined in NJAC Title 2, whether growing independent or among other bushes, grass, flowers, shrubs or fruit bearing plants are prohibited altogether. Any plant growth which projects into public or private sidewalks, walkways, driveways or stairways is prohibited. Upon failure of the owner or agent having charge of a property to cut and destroy weeds or excessive plant growth after service of a notice of violation, they shall be subject to prosecution in accordance with the requirements of this code. Upon failure to comply with the notice of violation, any duly authorized employee of the Town of Boonton or contractor hired by the Town of Boonton shall be authorized to enter the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

### **301.4.1 Snow Removal**

See Chapter 254, Article VI

**301.4.2 Cost of The Cutting of weeds or Snow Removal:** Costs incurred in the performance of The Cutting of Weeds or Snow Removal work shall be paid from the treasury of the Town of Boonton on certificate of the code official. The Town Attorney shall institute appropriate action against the owner of the premises, where the weeds were cut or the snow was removed, for the recovery of such costs.

**301.5 Rodent harborage:** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re infestation.

**301.6 Exhaust vents:** Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**301.7 Accessory structures:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**301.8 Motor vehicles:** Except as provided in other regulations, no inoperable, unlicensed unregistered motor vehicle shall be parked, kept or stored on any property and no vehicle shall at

any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

***Exception:** A vehicle is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed areas designed and approved for such purposes.*

**301.9 Firewood:** All firewood shall be stacked neatly and shall be raised a minimum of eight inches off the ground and shall not be stacked or stored within any front or side yard, nor within three feet of the property line in any rear yard, as set forth in Chapter 236, Article IV, Zoning. Firewood shall not be stacked to a height of more than six feet as measured from the ground.

**301.10 Outdoor Furniture:** The placement of indoor furniture outdoors on open uncovered or covered porches or decks or within any yard area shall be prohibited. Indoor furniture shall be defined as “furniture that is intended to be used inside, which shall include but not be limited too; upholstered couches or chairs, leather couches or chairs, bedding or any other furniture that is made of materials that is not intended for outdoor use.” Open porches or decks shall not include porches or decks that are enclosed on all 4 sides by either insect screens, storm windows, or a combination of walls and windows to create a permanent separation to the outside.

**Section 301.11 Household Appliances:** The placement of Household or Commercial Appliances outdoors on open uncovered or covered porches or decks or within any yard area shall be prohibited. “Household Appliances” shall include but not be limited too; Refrigerators, Freezers, Stoves, Dishwashers, Washing Machines, Hot Water Heaters, Portable Air Conditioners and Clothes Dryers. Open porches or decks shall not include porches or decks that are enclosed on all 4 sides by either insect screens, storm windows, or a combination of walls and windows to create a permanent separation to the outside.

## **302.0 EXTERIOR STRUCTURE**

**302.1 General:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**302.1.1 Exterior Walls and Protective Treatment:** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All maintenance free type materials such as but not limited to, brick or aluminum which have been previously painted or protected with a weather resistant material must be maintained in good condition. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**302.2 Street numbers:** Each building to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way.

Address numbers shall be Arabic numerals or alphabet letters at least 3 inches high with a minimum stroke width of 0.5 inch.

**302.3 Structural members:** All structural members shall be maintained free of deterioration, and capable of safely bearing the imposed dead and live loads.

**302.4 Foundation walls:** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

**302.6 Roofs and drainage:** The roof and flashing shall be sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in

good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**302.7 Decorative features:** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**302.8 Overhang extensions:** All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**302.9 Chimneys and towers:** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**302.10 Handrails and guardrail:** Every exterior flight of stairs having more than four risers shall have a handrail on at least one side of the stair, and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, porch deck, ramp, balcony or other walking surface. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

**302.11 Window, skylight and door frames:** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**302.11.1 Glazing:** All glazing materials shall be maintained free of cracks and holes.

**302.11.2 Openable windows:** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**302.12 Insect screens:** During the period from May 1 to Oct. 1 every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

*Exception: Screen doors shall not be required for out swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.*

**302.13 Doors:** All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

**302.14 Basement hatchways:** Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

**302.15 Guards for basement windows:** Every basement window which is operable shall be supplied with rat proof shield, storm windows or other approved protection against the entry of rats.

**302.16 Window Air-Conditioners:** All window air-conditioners shall be installed in a safe and secure manner in accordance with the manufacturer's recommendations. Window air conditioners shall not be installed in a required means of egress.

### **303.0 INTERIOR STRUCTURE**

**303.1 General:** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**303.2 Structural members:** The supporting structural members of every building shall be maintained structurally sound, and capable of carrying the imposed loads.

**303.3 Interior surfaces:** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

**303.4 Lead based paint:** Interior and exterior painted surfaces of dwellings, child and day care facilities, including fences and outbuildings, that contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

**303.5 Accumulation of rubbish or garbage:** The interior of every structure shall be free from any accumulation of rubbish, or garbage.

**303.6 Insect and rat harborage:** All structures shall be kept free from insect and rat infestation. all structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re infestation.

**303.7 Stairs and railings:** All interior stairs and railings shall be maintained in sound condition and good repair.

**303.8 Handrails and guardrail:** Every interior flight of stairs having more than four risers shall have a handrail on at least one side of the stair, and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, porch deck, ramp, balcony or other walking surface. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

#### **304.0 SWIMMING POOLS, SPAS AND HOT TUBS**

**304.1 Swimming pools:** Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

### **SECTION 4**

#### **LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

##### **400.0 GENERAL**

**400.1 Scope:** The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure.

**400.2 Responsibility:** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner occupant, or permit another person to occupy or use any premises that do not comply with the requirements of this section.

**400.3 Alternative devices:** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation shall be permitted when complying with the building code.

##### **401.0 LIGHT**

**401.1 Habitable spaces:** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens when artificial light is provided in accordance with the provisions of the building code. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such

window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**401.2 Common halls and stairways:** Every common hall and stairway, other than in one and two-family dwellings, shall be lighted at all times with at least 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated with a minimum of one-foot candle at floors, landings and treads.

**401.3 Other spaces:** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

## **402.0 VENTILATION**

**402.1 Habitable spaces:** Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required.

**402.2 Bathrooms and toilet rooms:** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by 401.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space or not more than 85 percent of the exhaust air shall be recirculated where the system is provided effective absorption and filtering equipment complying with the mechanical code.

**402.3 Cooking facilities:** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

*Exception: Where specifically approved in writing by the code official.*

**402.4 Process ventilation:** Where injurious, toxic, irritating or noxious fumes, gases, dust, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**402.5 Clothes dryer exhaust:** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

## **403.0 OCCUPANCY LIMITATIONS**

**403.1 Privacy:** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**403.2 Access from sleeping rooms:** Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

*Exception: Dwelling units that contain fewer than two bedrooms.*

**403.3 Area for sleeping purposes:** Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

**403.4 Water closet accessibility:** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**403.5 Overcrowding:** Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table 403.5.

**Table 403.5**

**MINIMUM OCCUPANCY AREA REQUIREMENTS**

Space	Minimum area in sq. ft.	Minimum area in sq. ft.	Minimum area in sq. ft.
	1-2 occupants	3-5 occupants	6 or more
Living room	no requirements	120	150
Dining room	no requirements	80	100
Kitchen	50	50	60
Bedrooms	PM-403.3	PM-403.3	PM-403.3

**403.6 Combined spaces:** Combined living room and dining room spaces shall comply with the requirements of Table 403.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room dining room.

**403.7 Prohibited use:** Kitchens, Living Rooms, Dining Rooms, non-habitable spaces and interior public areas shall not be used for sleeping purposes.

**403.8 Minimum ceiling heights:** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet. The minimum headroom in all parts of the stairway shall not be less than 6 feet, 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

**Exceptions**

1. *In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.*
2. *Rooms used exclusively for sleeping, study, or similar uses and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor areas with a clear ceiling height of 5 feet or more shall be included.*
3. *Basement rooms in one and two-family dwellings used exclusively for laundry, study, or recreation purposes having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts, and similar obstructions.*

**403.9 Minimum room widths:** A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

**403.10 Food preparation:** All spaces to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

**403.11 Efficiency Units:** Apartment dwelling units consisting of a bath, one large room without permanent separation to be used for living, dining and bedroom facilities and with cooking facilities separated from the main room by a permanent wall or a sliding or some other temporary partitions.

#### **403.12 Posting of maximum number of occupants required.**

A. It shall be unlawful and in violation of this chapter for an owner, permittee, lessor or registered tenant of any registered housing unit to allow a number of people greater than the maximum number of occupants permitted pursuant to Section 403.5 to reside in the registered unit. It shall also be a violation of this chapter for the owner, permittee, lessor or registered tenant to lease a housing unit to a number or group of tenants which exceeds the total number of sleeping accommodations which has been set forth in the permit for which application was made under this chapter.

B. The owner, permittee, lessor or registered tenant of a housing unit must post the registration form in a conspicuous location in the housing unit. Such form must contain the name(s) of the owner, permittee, lessor and registered tenant, the maximum number of tenants permitted to occupy the housing unit according to the permit, and the maximum number of sleeping accommodations according to the permit.

C. It shall be unlawful and a violation of this chapter for an owner, permittee, lessor or registered tenant to fail to post the required registration form or for an owner, permittee, lessor or registered tenant to remove the required registration form.

D. The required registered property must be readily available for inspection upon demand by police officers of the Town of Boonton or officials of the Town of Boonton Code Enforcement Department. It shall be unlawful and a violation of this chapter for an owner, permittee, lessor or registered tenant to refuse to allow the inspection of said register upon demand by an officer of the Boonton Police Department or an official from the Boonton Code Enforcement Department.

E. The police officers of the Town of Boonton or the officials of the Boonton Code Enforcement Department are authorized to issue a summons for a violation of this chapter to any owner, permittee, lessor or registered tenant found to be in violation of any of the provision of this chapter.

#### **403.13 Payment of taxes and municipal charges required.**

No housing unit may be registered and no license shall be issued for any property containing a housing unit unless all municipal taxes, water and sewer charges and other municipal assessments are current.

#### **403.14 Nonresident student enrollment.**

It shall be unlawful for any person over the age of 18 to assist, aid, abet, allow, permit, suffer or encourage a student to register or enroll in the Boonton School District where the student is ineligible to attend. It shall be unlawful for any person over the age of 18 to knowingly permit his or her name, address, or other residence-designating documentation to be utilized in the registration or enrollment of any nonresident student in the Boonton School District. In addition to the penalties set forth in this chapter, any person violating or failing to comply with the provisions of this section shall, upon conviction thereof, be sentenced to make restitution to the Town of Boonton Board of Education. In determining the amount of such restitution, the Court shall include the amounts incurred by the Boonton Board of Education, including but not limited to tuition costs, investigation expenses and attorneys' fees.

#### **403.15 Revocation of license; procedure.**

A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the housing license issued hereunder upon the occurrence of one or more of the following:

- (1) Conviction of a violation of this chapter in the Municipal Court or other court of competent jurisdiction.
- (2) Determination of a violation of this chapter at a hearing held pursuant to Subsection B herein.
- (3) Renting the housing unit or housing units to a tenant or tenants convicted of a violation of the noise and/or other disorderly person's ordinances of the Town of Boonton.
- (4) Permitting the housing unit to be occupied by more than the maximum number of occupants as defined herein.



(5) Maintaining the housing unit or housing units or the property on which the housing unit is located in a dangerous condition likely to result in injury to persons or property.

(6) A housing unit license issued under this chapter shall be suspended and considered revoked if taxes or other assessments are delinquent for three consecutive quarters. Upon payment of such delinquent taxes or assessments, the license or permit shall be restored, upon new inspections for occupancy taking place.

B. Procedure; written complaint; notice; hearing.

(1) Whenever the Code Enforcement Officer or designee determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, then the enforcing agency shall issue and cause to be served upon the owner of the building, structure or premises a written notice requiring the owner to terminate or cause to be terminated the violations. The written notice shall state the nature of the violations and a reasonable specified time within which the violations shall be corrected. The written notice shall also require the owner to take or cause to be taken any affirmative action necessary to correct the violations. The written notice shall also advise the owner or persons responsible that they have a right to file an appeal with the Business Administrator or his designee of the Town of Boonton.

(2) Notwithstanding Subsection B(1), the Code Enforcement Officer or designee, on discovery of a violation of § 218-3, 218-12, or 218-15, may immediately issue a summons answerable in municipal court to any person, firm or corporation who shall violate any of the above-named sections. For each and every violation of the above-named sections, a separate summons may be issued. In addition, for each and every day that the violation continues, a separate summons may be issued.

(3) Service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode or at the property in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that the letter has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

(4) Upon the expiration of the period set forth in any notice for the correction of any violation, if the violation is not corrected or in the opinion of the Code Enforcement Officer or designee, corrected improperly, the Code Enforcement Officer or designee without further notification shall have the right to issue a summons for the violation seeking relief, including, but not limited to, the revocation or suspension of a license and the payment of fines associated with the violations. For each and every day that the violation continues, a separate summons may be issued.

(5) A complaint seeking the revocation or suspension of a license may be filed by one or more of the following: the Mayor, Business Administrator, Chief of Police, Construction Code Official or Zoning Enforcement Officer. Such complaint shall be in writing and filed with the Code Enforcement Officer or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to allow the licensee the opportunity to present a defense. The individuals filing the complaint may do so on the basis of information and belief and need not rely on personal information.

(6) Upon the filing of such written complaint, the Code Enforcement Officer or designee shall immediately inform the Board of Aldermen and a date for a hearing shall be scheduled which shall not be sooner than 10 days nor more than 30 days thereafter. The Code Enforcement Officer or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the managing agent, if any, at the address indicated on the housing registration form. All such correspondence shall be sent by certified mail, return receipt requested. Service upon the managing agent shall be sufficient.

(7) The hearing required by this section shall be held before the Board of Aldermen unless, in its discretion, the Board determines that the matter should be heard by a hearing officer who shall be appointed by the Board of Aldermen. If the matter is referred to a hearing officer, such officer shall transmit his finding of fact and conclusions of law to the Board of Aldermen within 10 days of the conclusion of the hearing. The Board shall be bound thereby. In the event that the matter is not referred to a hearing officer and is heard by the Board, the Board shall render a decision within 10 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered

dismissing the complaint, revoking or suspending the housing unit license, or determining that the license shall not be renewed or reissued for one or more subsequent housing unit license terms.

(8) A 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.

(9) The Town Attorney or a special prosecutor appointed by the Board of Aldermen shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving the housing unit license by a demonstration that the owner has abated the conditions or circumstances giving to the revocation proceeding, including, but not limited to, the institution of legal action against the tenant(s), occupant(s) or guest(s) for the recovery of the premises, eviction of the tenant(s) or otherwise. This defense shall in no way be available if the owner has refused to submit proof of an adequate tenant screening in accordance with this chapter.

## **SECTION 5**

### **PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

#### **500.0 GENERAL**

**500.1 Scope:** The provisions of this article shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

**500.2 Responsibility:** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy or use any structure or portion thereof or premises which does not comply with the requirements of this section.

#### **501.0 REQUIRED FACILITIES**

**501.1 Dwelling units:** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

**501.2 Rooming houses:** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**501.3 Hotels:** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower accessible from a public hallway shall be provided for each ten occupants.

**501.4 Employee's facilities:** Employees shall have a minimum of one water closet, one lavatory and one drinking facility available for use.

**501.4.1 Drinking facilities:** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

#### **502.0 TOILET ROOMS**

**502.1 Privacy:** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

**502.2 Location:** Toilet rooms and bathrooms serving hotel units, rooming units, or dormitory units, shall be accessible by traversing not more than one flight of stairs and be accessible from a common hall or passageway.

**502.3 Location of employee toilet facilities:** Toilet facilities shall be accessible within the employees' regular working area. The path of travel to the facilities shall not exceed a travel distance of 500 feet or traverse more than one flight of stairs. Employee facilities shall either be separate facilities or public customer facilities.

*Exception: Facilities required for employees in storage buildings or kiosks located in adjacent buildings under the same ownership, lease, or control, shall be a maximum distance of travel of 500 feet from the employees' regular working area to the facilities.*

### **503.0 PLUMBING FIXTURES**

**503.1 General:** All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and usable condition.

**503.2 Fixture clearances:** Plumbing fixtures shall have adequate clearances for use and cleaning.

### **504.0 WATER SYSTEM**

**504.1 General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

**504.2 Contamination:** The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**504.3 Supply:** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free of defects and leaks.

**504.5 Water heating facilities:** Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

### **505.0 SANITARY DRAINAGE SYSTEM**

**505.1 General:** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**505.2 Maintenance:** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

### **506.0 STORM DRAINAGE**

**506.1 General:** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

**506.2 Sump Pump Discharge:** Sump pumps shall not be discharged in a manner that creates a public nuisance. Discharges shall be piped directly into an approved drainage inlet or storm water collection system. If a drainage inlet or storm water collection system is not available within a

reasonable distance of the property in question, said discharge may be piped directly to the street gutter if approved by the Town Engineer. No sump pump or discharge piping shall be installed without the requisite plumbing permit.

## **SECTION 6**

### **MECHANICAL AND ELECTRICAL REQUIREMENTS**

#### **600.0 GENERAL**

**600.1 Scope:** The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**600.2 Responsibility:** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy or use any premises which does not comply with the requirements of this section.

#### **601.0 HEATING FACILITIES**

**601.1 Residential Buildings:** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F. (20 degrees C.) at a level of 3 feet above the floor and a distance of 3 feet from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from Oct. 1 to May 1 to maintain a room temperature of not less than 68 degrees F. (20 degrees C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 65 degrees F. (18 degrees C.) during other hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable space heaters shall not be used as the sole source of heat; however, they may be used as supplemental heat or for heat during emergency situations where the main heating supply system is being repaired. The code official reserves the right to issue and immediate summons if the building owner has been neglectful and unresponsive in resolving the situation.

**601.2 Nonresidential structures:** Every enclosed occupied work space shall be supplied with sufficient heat during the period of Oct. 1 to May 1 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls.

### ***Exceptions***

1. *Processing, storage and operation areas that require cooling or special temperature conditions.*
2. *Areas in which persons are primarily engaged in vigorous physical activities.*

**601.3 Cooking and heating equipment:** All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be properly installed and maintained free from leaks and obstructions.

**601.4 Mechanical equipment:** All mechanical equipment shall be properly installed and maintained in safe working condition, and capable of performing the intended function.

**601.4.1 Flue:** All fuel burning equipment and appliances shall be connected to an approved chimney or vent.

*Exception: Fuel burning equipment and appliances that are labeled for invented operation.*

**601.4.2 Clearances:** All required clearances to combustible materials shall be maintained.

**601.4.3 Safety controls:** All safety controls for fuel burning equipment shall be maintained in effective operation.

**601.4.4 Combustion air:** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel burning equipment.

**601.4.5 Energy conservation devices:** Devices purporting to reduce fuel consumption by attachment to a fuel appliance, to the fuel supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation is specifically approved.

**601.5 Fireplaces:** Fireplaces and solid fuel burning appliances shall be properly installed and maintained in a safe working condition.

## **602.0 ELECTRICAL FACILITIES**

**602.1 Facilities required:** Every building used for human occupancy shall be provided with an electrical system in compliance with the requirements of 602.1 through 602.2.

**602.1.1 Receptacles:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle. Any receptacle within 5' of a water source shall be protected by a Ground Fault Circuit Interrupter [GFCI].

*Exception a receptacle being used by a refrigerator and not accessible to other use.*

**602.1.2 Lighting fixtures:** Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

**602.1.3 Service:** Every dwelling shall be served by a main service which is not less than 60 amps, three wire.

**602.2 Installation:** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**602.3 Electrical system hazards:** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **603.0 ELEVATORS, ESCALATORS AND DUMBWAITERS**

**603.1 General:** Elevators, dumbwaiters, and escalators shall be maintained to safely sustain imposed loads, to operate properly, and to be free of physical and fire hazards.

**603.2 Elevators:** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

*Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.*

## **SECTION 7**

### **FIRE SAFETY REQUIREMENTS**

#### **700.0 GENERAL**

**700.1 Scope:** The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

**700.2 Responsibility:** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code. A person shall not occupy as owner occupant or permit another person to occupy or use any premises that do not comply with the requirements in this section.

#### **701.0 MEANS OF EGRESS**

**701.1 General:** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

**701.2 Locked doors:** All doors in the required means of egress shall be readily operable from the inner side without the use of keys, except as provided in the building code. Exits from dwelling units, rooming units, guest rooms, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

**701.3 Exit signs:** All means of egress shall be indicated with approved exit signs where required by the building code. All exit signs shall be maintained visible and all illuminated exit signs shall be illuminated at all times that the building is occupied.

**701.4 Number of exits:** In nonresidential buildings, every story used for human occupancy more than six stories above grade shall be provided not less than two independent exits. In residential buildings every story exceeding two stories above grade shall be provided not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every story used for human occupancy totally below grade greater than 2,000 square feet shall be provided with not less than two independent exits.

*Exceptions: A single exit is acceptable under any one of the following conditions:*

- 1. Where the building is equipped throughout with an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common areas, or;*
- 2. Where the building is provided with an automatic fire alarm system and the exit is a smoke proof enclosure or pressurized stairway, or;*
- 3. Where an existing fire escape conforming to the building code is provided in addition to the single exit.*
- 4. In stories that require only one exit in accordance with the requirements of the building code.*
- 5. In buildings of Use Group R-3*

**701.5 Exit capacity:** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code.

**701.6 Corridor enclosure:** all corridors serving an occupant load of greater than 30 and with openings therein, shall provide an effective smoke barrier. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

*Exception: Corridors which are in compliance with the building code.*

**701.7 Dead-end travel distance:** All corridors which serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet where the building is not equipped throughout with an automatic fire suppression system. The dead-end travel distance limitation shall be increased to 70 feet where the building is equipped throughout with an automatic fire suppression system.

**701.8 Emergency escape:** Every sleeping room located in a basement or attic shall have at least one operable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. All emergency egress, or rescue windows, doors and exits shall comply with the requirements of the State of New Jersey Uniform Construction Code.

*Exception: Buildings equipped throughout with a complete automatic fire suppression system.*

**701.9 Aisles:** In all mercantile occupancies, aisles shall have a minimum unobstructed clearance of 44 inches where serving an occupant load of greater than 50, and 36 inches where serving an occupant load of not greater than 50.

**701.10 Information signs:** A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings more than 75 feet above the lowest level of fire department access shall be marked with approved signs reading as follows: "Use Stairways in Case of Fire - Do Not Use Elevators".

## **702.0 ACCUMULATIONS AND STORAGE**

**702.1 Accumulations:** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

**702.2 Hazardous material:** Combustibles, flammable, explosive or other hazardous material, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

## **703.0 FIRE RESISTANCE RATINGS**

**703.1 General:** The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

**703.2 Maintenance:** All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold open devices is prohibited.

## **704.0 FIRE PROTECTION SYSTEMS**

**704.1 General:** all systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in proper operating condition at all times.

**704.2 Fire suppression system:** Fire suppression systems shall be maintained in good condition and free from mechanical injury. sprinkler heads shall be maintained clean, free of corrosion, paint, and damage.

**704.3 Standpipe systems:** Hose connections shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

**704.4 Fire extinguisher:** All portable fire extinguisher shall be visible, accessible, and shall be maintained in an efficient and safe operating condition. All One and Two Family Dwelling Units

at a change of occupancy shall be provided with a portable fire extinguisher in accordance with N.J.S.A. 52:27D-198.1.

**704.5 Smoke Detectors:** A structure used or intended for use for residential purposes shall have a smoke sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedroom and located on or near the ceiling in accordance with the National Fire Protection Association Standard No. 74-1984 for the installation, maintenance, and use of household fire warning equipment. The installation of battery operated smoke-sensitive alarm devices shall be accepted as meeting the requirement of this section. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the New Jersey Bureau of Fire safety.

**704.5.1 Tampering:** Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

## **705.0 CARBON MONOXIDE DETECTION SYSTEMS**

**705.1 Carbon Monoxide Detectors:** Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3, and R-4, except for units in buildings that do not contain a fuel-burning device or have an attached garage. They shall be installed in accordance with NJAC 5:70-4.19 and all referenced codes.



## **SECTION 8**

### **RESPONSIBILITIES OF PERSONS**

#### **800.0 GENERAL**

**800.1 Scope:** The provisions of this section shall govern the responsibilities of person for the maintenance of structures, equipment, and exterior property.

#### **801.0 SANITARY CONDITION**

**801.1 Cleanliness:** Every occupant of a structure shall keep that part of the structure and exterior property which such occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**801.2 Disposal of rubbish:** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**801.3 Disposal of garbage:** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**801.4 Garbage facilities:** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit, or an approved leak proof, covered outside garbage container.

**801.4.1 Containers:** The operator of every establishment producing garbage shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

**801.5 Rubbish storage facilities:** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

#### **802.0 EXTERMINATION**

**802.1 Owner:** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**802.2 Occupant:** The occupant of any structure shall be responsible for the continued rat proof condition of the structure, and if the occupant fails to maintain the rat proof condition, the cost of extermination shall be the responsibility of the occupant.

**802.3 Single occupancy:** The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for the extermination of any insects, rats or other pests on the premises.

**802.4 Multiple occupancy:** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house, or nonresidential structure shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and exterior property. When infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

## **SECTION 9**

### **HAZARD ABATEMENT IN EXISTING BUILDINGS**

#### **900.0 GENERAL**

**900.1 Scope:** The provisions of this section are intended to provide a reasonable degree of safety to persons occupying existing buildings that do not conform to the minimum requirements of the building code by requiring alterations to such existing buildings as provided for in this section.

**900.2 Application of other codes:** All alterations to an existing building which are caused directly or indirectly by the enforcement of this code shall be done in accordance with the applicable procedures and provisions of the building code, plumbing code, electrical code, and mechanical code.

**900.3 Continued maintenance:** All service equipment, means of egress devices and safeguards which are required by this section or which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order. The requirements of this section are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings. These requirements are intended to require existing buildings that do not comply with these provisions to be altered to provide a minimum level of safety as required herein.

**900.4 Alternative methods and systems:** The provisions of this section are not intended to exclude the acceptance and approval of alternative methods and systems where such alternative methods and systems provide equivalent safety to the occupants of the existing buildings.

**900.5 Responsibility:** The owner of the existing building or structure shall provide and maintain such facilities, equipment and systems in compliance with these requirements and the fire prevention code.

## **901.0 ELEVATOR RECALL**

**901.1 Required:** All elevators having a travel distance of 25 feet or more above or below the primary level of elevator access for emergency firefighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASMEA17.1.

## **902.2 MECHANICAL EQUIPMENT CONTROL**

**902.1 Smoke and heat detection:** Each recirculating air or exhaust system serving more than one floor in buildings that exceed six stories in height shall be equipped with approved smoke and heat detection devices in accordance with the mechanical code. The devices shall stop the fan or fans) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system.

## **SECTION 10**

### **Section 10: One-hundred-percent disabled veteran tax refunds.**

[Added 8-21-2017 by Ord. No. 14-2017]

A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the Tax Assessor as required by N.J.S.A. 54:4-3.30. The refund of taxes may be granted retroactively only to the date that the complete application was submitted to the Tax Assessor.

## **SECTION 11**

### **FERTILIZER APPLICATION**

#### **301.5 Fertilizer Application**

##### **Purpose.**

An ordinance to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This article does not apply to fertilizer application on commercial farms.

**Basis and background.**

A. Elevated levels of nutrients, particularly phosphorus, in surface water bodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.

B. While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plants, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective or supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

C. This article does not apply to application of fertilizer on commercial farms, but improper application of fertilizer on farms would be problematic as well. Stewardship on the part of commercial farmers is needed to address this potential source of excess nutrient load to water bodies. Commercial farmers are expected to implement best management practices in accordance with conservation management plans or resource conservation plans developed for the farm by the Natural Resources Conservation Service and approved by the Soil Conservation District Board.

**Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**BUFFER**

The land area, 25 feet in width, adjacent to any water body, except where lot size and configuration make this buffer distance impractical. Where the Town of Boonton agrees with an owner's concern in this area, the distance may be reduced to 10 feet if and only if a drop spreader (vs. rotary type) is used.

**COMMERCIAL FARM**

A farm management unit producing agricultural or horticultural products worth \$2,500 or more annually.

**FERTILIZER**

A fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.

**IMPERVIOUS SURFACE**

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**PHOSPHORUS FERTILIZER**

Any fertilizer that contains phosphorus, expressed as P<sub>2</sub>O<sub>5</sub>, with a guaranteed analysis of greater than zero, except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

#### SOILS TEST

A technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

#### WATER BODY

A surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

Prohibited conduct.

No person may do any of the following:

A. Apply fertilizer when runoff-producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.

B. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.

C. Apply fertilizer within the buffer of any water body.

D. Apply fertilizer more than 15 days prior to the start of or at any time after the end of the regionally recognized growing season. The Town of Boonton is located in USDA Plant Hardiness Zone 6A, where the growing season starts March 15 and ends October 31.

Phosphorus fertilizer application.

#### **No person may do the following:**

A. Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.

B. Exceptions.

(1) Application of phosphorus fertilizer needed for:

(a) Establishing vegetation for the first time, such as after land disturbance, provided that the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(b) Reestablished or repairing a turf area.

(2) Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.

(3) Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

Enforcement.

This article shall be enforced by the Police Department and/or the Code Enforcement Officer(s) of the Town of Boonton.

Violations and penalties.

Any person or corporation, its servants or agents, violating any of the provisions of this article shall be liable to the penalty stated in Chapter 1, General Provisions, Article III, General Penalty.

This ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCTION: February 16, 2021

ADOPTED: March 1, 2021

MAYOR AND BOARD OF ALDERMEN  
OF THE TOWN OF BOONTON, IN THE  
COUNTY OF MORRIS AND STATE OF  
NEW JERSEY

ATTEST:

\_\_\_\_\_  
Cynthia A. Oravits, Town Clerk

BY: \_\_\_\_\_  
Richard Corcoran, Mayor