

HOUSING CODE

CHAPTER 12A.

HOUSING CODE.

- § 12A-1. Adoption of State Housing Code.
- § 12A-2. Housing code committee.
- § 12A-3. Inspections.
- § 12A-4. Procedure upon discovery of violation of chapter.
- § 12A-5. Power of committee to make regulations.
- § 12A-6. Garbage and rubbish storage; heating equipment; egress; maintenance.
- § 12A-7. Occupancy of non-conforming dwelling prohibited.
- § 12A-8. Penalties for violation of chapter.

Sec. 12A-1. Adoption of State Housing Code.

Pursuant to the provisions of chapter 21, Public Laws 1946 (Revised Statutes of New Jersey, section 40:49-5.1) the “New Jersey State Housing Code” as approved by the departments of health and conservation and economic development and filed in the secretary of state’s office is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. Three copies of the “New Jersey State Housing Code” have been placed on file in the office of the town clerk and are available to all persons desiring to use and examine the same. (G.O. No. 998, § 1.)

Sec. 12A-2. Housing code committee.

This is hereby created a “housing code committee” which is designated as the officer to exercise the powers prescribed by this chapter, and the members thereof shall serve in such capacity without any additional compensation. Such committee shall consist of the health officer, who shall be the chairman of such committee, the fire prevention officer of the fire department and the housing code enforcement officer, or their designee. In the case of an absence, any of the aforesaid officials may designate another person from their department to attend and act in their place. (G.O. No. 998, § 2; G.O. No. 1591, § I.)

Sec. 12A-3. Inspections.

The members of the committee, and any persons designated by it, are hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the town in order that they may perform their duty of safeguarding the health and safety of the occupants of

dwellings and of the general public. For the purpose of making such inspections, such persons are hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give them free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter. (G.O. No. 998, § 3.)

Sec. 12A-4. Procedure upon discovery of violation of chapter.

Whenever the chairman determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall (a) be put in writing; (b) include a statement of the reasons why it is being issued; (c) allow a reasonable time for the performance of any act it requires, and (d) be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the committee; provided, such person shall file in the office of the town clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. Upon receipt of such petition the chairman shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petitioner the committee may postpone the date of the hearing for a reasonable time beyond the ten-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the committee shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the committee sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter

shall automatically become an order if a written petition for a hearing is not filed in the office of the town clerk within ten days after such notice is served. The proceedings at such hearing, including the findings and decision of the committee, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the town clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the committee may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state. Whenever immediate action is necessary to protect the public health, or safety, the chairman may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the committee shall be afforded a hearing as soon as possible. After such hearing, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the committee shall continue such order in effect or modify or review it. (G.O. No. 998, § 4.)

Sec. 12A-5. Power of committee to make regulations.

The committee is hereby authorized and empowered to make and adopt such written rules and regulations as it may deem necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter, nor in anywise alter, amend or supersede any of the provisions thereof. The committee shall file a certified copy of all rules and regulations which it may adopt in the chairman's office and in the office of the town clerk. (G.O. No. 998, § 5.)

Sec. 12A-6. Garbage and rubbish storage; heating equipment; egress; maintenance.

The following provisions supplement and amend the code and shall govern wherever in conflict with the requirements of the Housing Code:

1. *Garbage and Rubbish Storage.* Garbage, other organic waste and rubbish, excepting grass clippings and garden refuse, shall be placed in watertight receptacles of metal or other approved material, at or behind the building line. Such receptacles shall be provided with tight-fitting covers.

Grass clippings and garden refuse shall be placed in plastic bags or other approved disposable containers and placed behind the curbline no sooner than 4:00 P.M. the day before each pickup of the week. Each dwelling shall be limited to the placing of three such containers on each collection day of the week.

At least one approved type of garbage receptacle and at least one approved type of rubbish receptacle shall be provided for each dwelling unit, in accordance with subsection 12.9 of the Housing Code.

2. *Heating equipment.* Every space heater except as provided herein shall be properly vented to a chimney or duct leading outdoors and be permanently attached to the

building or structure in which it is located. Such ducts and chimneys shall be constructed in accordance with the Building Code. The use of unvented portable space heaters burning kerosene fuel is permitted in detached single family residential dwellings outside the business zones provided such heaters meet at least the following requirements as a minimum:

- (a) The entire unit is approved by Underwriters Laboratories or an equivalent approved testing laboratory;
- (b) Fuel is unpressurized and unit is wick fed, not gravity fed;
- (c) Unit has an automatic shutoff device which stops the flow of fuel and extinguishes the flame if unit is tipped or struck;
- (d) Unit has push button start with electrical or flint ignition;
- (e) Radiant units have double wall construction;
- (f) Unit has a metal base and drip plate;
- (g) All joints or fittings in contact with fuel have oil resistant seals to prevent leaks in case of a tipover.

Detached single-family dwellings for purposes of this sub-paragraph do not include condominium units where more than one unit is attached to another or located in a larger structure.

The use of such unvented portable kerosene space heaters is prohibited in all structures including detached single-family dwellings in the B-1 and B-2 business zones as set forth in the zone map of the Town of Westfield, except that stores selling such equipment are permitted to store units on the premises and demonstrate their operation to potential customers.

The use of all other unvented portable space heaters having solid, liquid or gaseous fuel is prohibited in all zones.

The use of electrical portable space heaters approved by Underwriters Laboratories or an equivalent approved testing laboratory is permitted in all zones.

3. *Egress.* Every dwelling unit used for sleeping purposes above the second floor shall be provided with its own safe and unobstructed means of egress.

4. *Maintenance.* Every stairway six or more feet in height, shall be properly banistered and safely balustraded.

Every porch, balcony, roof or similar place higher than 5 feet above the ground, used for egress or for use of occupants, shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and be not less than two feet in height.

Screens shall not be required on any portion of a building which is summer air-conditioned.

All vacant land, lots and premises without buildings thereon, whether designed for residential, commercial, business or industrial purposes, shall be clean and free from garbage, rubbish, trash, waste and debris of any kind whatsoever and from any and all conditions which might result in a hazard to safety. All grass, hedges and shrubbery shall be kept trimmed and shall not be permitted to become overgrown and unsightly. All fences surrounding the vacant lands, lots or premises without buildings thereon, shall be kept in good repair.

The area located between the street property line of abutting vacant or developed property, and the street or roadway itself, including the sidewalk, if any, shall be clean

and free from garbage, rubbish, trash, waste and debris or any kind whatsoever and from any and all conditions which might result in a hazard to safety. Sidewalks, if any, shall be kept in good condition and repair, free of holes, cracks, obstructions, unevenness or anything else that might result in a hazard to safety. All grass, hedges and shrubbery shall be kept trimmed and shall not be permitted to become overgrown and unsightly, and shall be cut back, trimmed or removed in all such locations where shrubbery, hedges, trees or other growth obstruct vision for operators of vehicles on the public roads, or preclude appropriate sight distances for operators of vehicles at intersections, pursuant to Chapter 29 of the Town Code.

5. *Responsibilities of owners and occupants.* The owner of vacant land lots or premises without building thereon, shall be responsible for compliance with all pertinent provisions of this chapter relative to such vacant land and its condition.

The owner of abutting vacant or developed property shall be responsible for compliance with all pertinent provisions of this chapter relative to the area located between the street property line and the street or roadway itself, including the sidewalk, if any.

6. *Use and occupancy of space.* Every dwelling unit shall contain at least two hundred square feet of usable floor area for each and every occupant thereof who is age seventeen years or younger, and every dwelling unit shall contain at least four hundred square feet of usable floor area for each and every occupant thereof who is over the age of seventeen years.

(G.O. No. 1225, §§ I and II; G.O. No. 998, § 6; G.O. No. 1031, § 1; G.O. No. 1043, § 1; G.O. No. 1266, § 1; G.O. No. 1286, §§ I and II; G.O. No. 1328, § 1; G.O. No. 1430, § I.)

Sec. 12A-7. Occupancy on nonconforming dwelling prohibited.

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

(G.O. No. 998, § 7.)

Sec. 12A-8. Penalties for violation of chapter.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not to exceed two hundred dollars or by imprisonment in the county jail for a period of not to exceed ninety days or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense. (G.O. No. 998, § 8.)