

CHAPTER XIII

PROPERTY MAINTENANCE¹

13-1 PROPERTY MAINTENANCE CODE.

13-1.1 BOCA Basic Property Maintenance Code Adopted by Reference. A certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "The Basic Property Maintenance Code, 1996 Edition," as published by Building Officials and Code Administrators (BOCA) International, Inc., along with any and all subsequent revisions, amendments and supplements to the same, not inconsistent with any other provision of this chapter, is hereby adopted as the Property Maintenance Code of the City of Asbury Park for the control of building and structures as herein provided; and each and all of the regulations of the Basic Property Maintenance Code, 1996 Edition, are hereby referred to, adopted and made a part hereof, as if fully set out in this section. (Ord. No. 2036 § 1; Ord. No. 2328 § 1; Ord. No. 2329 § 1; New)

13-1.2 Health Official Designated as Code Official.² The Code Official provided for in the BOCA Code shall be the Health Official of Asbury Park. (Ord. No. 2036 § 1)

¹**Editor's Note:** See also chapter XXVIII, Health Code, for additional regulations concerning the existence of ragweed, poison ivy, accumulation of garbage and trash; and removal of abandoned motor vehicles. For regulations concerning the responsibility to maintain sidewalks and curbs free from litter and other obstructions, see Chapter III.

²**Editor's Note:** The Health Officer is the Director of Code Enforcement or his designee.

13-1.3 Most Stringent Regulations to Apply. All other ordinances or parts of ordinances in conflict herewith are hereby repealed, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply. (Ord. No. 2036 § 1)

13-1.4 Application. Nothing in this section or in the Basic Property Maintenance Code hereby adopted shall be constructed to affect any suit or proceeding pending 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or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section. (Ord. No. 2036 § 1)

13-1.5 Notice and Method of Service. Notice shall be served in accordance with the rules of the court or tribunal, in which an action under this section has been brought. (Ord. No. 2513 § 1)

Asbury Park Property Maintenance Code, Chapter 13

(Based on the BOCA Property Maintenance Code of 1996 with amendments)

CHAPTER 1

ADMINISTRATION

SECTION PM-101.D GENERAL

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Asbury Park hereinafter referred to as “this code.”

PM-101.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing minimum requirements and standards for *premises*, structures, 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* of existing structures and *premises*, and providing for administration, enforcement and penalties.

PM-101.3 Intent: This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

PM-101.4 Referenced standards: The standards referenced in this code and listed in Chapter 8 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.

PM-101.5 Existing remedies: The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

PM-101.6 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.

PM-101.7 Application of other codes: Any repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in Chapter 8.

SECTION PM-102.0 VALIDITY

PM-102.1 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.

PM-102.2 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.

SECTION PM-103.0 MAINTENANCE

PM-103.1 Required: All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure *or premises* when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

SECTION PM-104.0 APPROVAL

PM-104.1 Approved materials and equipment: All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

PM-104.2 Modifications: Where there are practical difficulties involved in carrying out provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the *owner* or the *owner's* representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

PM-104.2.1 Records: The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

PM-104.3 Material and equipment reuse: Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

PM-104.4 Alternative materials and equipment: The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided 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.

PM-104.5 Research and investigations: Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative 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.

SECTION PM-105.0 DUTIES AND POWERS OF THE CODE OFFICIAL

PM-105.1 General: The code official shall enforce all of the provisions of this code.

PM-105.2 Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with the code.

PM-105.3 Right of entry: The code official is authorized to enter the structure *or premises* at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

PM-105.4 Access by owner or operator: Every *occupant* of each unit of dwelling space shall give the owner thereof or his/her agent or employees access to any part of the unit of dwelling space upon reasonable notification, which under ordinary working circumstances shall be one (1) day, for the purpose of making inspection and such repair(s) or alteration(s) as are necessary to effect compliance with the law and the ordinance.

In the case of a safety or structural emergency, immediate access shall be given. Upon discovery by an occupant of any such condition on the premises, including, but not limited to, a failure of service, or defect in any equipment, which constitutes a violation of this subsection, the occupant shall report the same promptly to the owner or his/her agent or other responsible person. (*Amendment 5/8/03 from NJAC 5:10-5.1(c)*)

PM-105.5 Identification: The code official shall carry proper identification when inspecting structures *or premises* in the performance of duties under this code.

PM-105.6 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.

PM-105.7 Rule-making authority: The code official shall have power as necessary in the interest of public health, safety and general welfare, 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. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

PM-105.8 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 who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

PM-105.9 Restriction of employees: An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section PM- 111.0, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of *construction documents* thereof, unless that *person* is the *owner* of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

PM-105.10 Relief from personal responsibility: The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to *persons* or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

PM-105.11 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 according to reasonable rules to maintain the integrity and security of such records.

SECTION PM-106.0 VIOLATIONS

PM-106.I 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, occupy, *let* to another or occupy or permit another *person* to occupy *any premises*, property, 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.

PM-106.2 Penalty: *Any person* who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not to exceed \$1,250.00 or imprisonment for a term not to exceed **ninety (90) days**, or a term of community service, or any combination of these, at the discretion of the court. Each day that a violation continues *may* be deemed a separate offense.

PM-106.3 Prosecution: In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-I 06.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against *the person* responsible for the violation for the purpose of ordering that *person*:

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 *occupancy* of the structure that is not in compliance with the provisions of this code. .

SECTION PM-107.0 NOTICES AND ORDERS

PM-107.I Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the *owner* or the *person* or *persons* responsible therefore in the manner prescribed in Sections PM- 107.2 and PM-107.3, except as provided for in PM-107.1.1. Notices for *condemnation* procedures shall also comply with Section PM- 108.3.

PM-107.1.1 No notice requirement: Due to health and safety concerns for the residents of the City, the following violations under this code do not require prior notice to the owner or person or persons responsible before a summons may be issued:

- 13-1:PM-107.5: Transfer of ownership without disclosure of violations
- 13-1:PM-108.5: Prohibited occupancy of a placarded structure
- 13-1:PM-303.1: Sanitation (Exterior property and premises to be maintained clean and sanitary)
- 13-1:PM- 303.4: Weeds and plant growth in excess of 10 inches
- 13-1:PM-306.1: Accumulation of rubbish or garbage prohibited
- 13-1:PM-306.2: Clean, sanitary disposal of rubbish in a container
- 13-1:PM-306.3: Clean, sanitary disposal of garbage in a container
- 13-1:PM-405.5: Overcrowding
- 13-1:PM-405.7: Occupying non-habitable spaces for sleeping purposes
- 13-1:PM-702.1: A safe, unobstructed means of egress is required
- 13-1:PM-703.1: Accumulations of trash, rubbish or other materials may not block egress
- 13-1:PM-705.5.3: Tampering with a smoke detector prohibited
- : Fire alarm systems must be in operating conditions at all times

(From Municipal ordinance No. 2408-Section 24-1-3d (1))

PM-107.2 Form: Such notice prescribed in Section PM- 107.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

PM-107.3 Method of service: Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the *owner* personally; or (b) sent by regular mail to the *owner* at the last known address, or (c) posted on the property in a conspicuous place. Service of such notice in the foregoing manner upon the *owner's* agent or upon the *person* responsible for the structure shall constitute service of notice upon the *owner*.

(From Municipal Ordinance Section 13-1:107.3, amended 8/8/02)

PM-107.4 Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

PM-107.5 Transfer of ownership: It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, 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 the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and

notarized statement from the grantee, transferee, mortgagee 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.

SECTION PM-108.0 UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1 General: When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

PM-108.1.1 Unsafe structure: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of 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.

PM-108.1.2 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.

PM-108.1.3 Structure unfit for human occupancy: A structure is unfit for human *occupancy* whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to 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.

PM-108.1.4 Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by *more persons* than permitted under this code, or was erected, altered or occupied contrary to law.

PM-108.2 Closing of vacant structures: If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the code official is authorized to post a placard of *condemnation* on the *premises* and order the structure closed up so as not to be an attractive nuisance. 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.

PM-108.3 Notice: Whenever the code official has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the *person* or *persons* responsible for the structure or equipment in accordance with Section PM-107.3. The notice shall be in the form prescribed in Section PM-107.2.

PM-108.4 Placarding: Upon failure of the *owner* or *person* responsible to comply with the notice provisions within the time given, the code official shall post on the *premises* or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

PM-108.5 Prohibited occupancy: Any *person* who shall occupy a placarded premises or shall operate placarded equipment, and any *owner* or any *person* responsible for the *premises* who shall *let* anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

PM-108.6 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.

SECTION PM-109.0 EMERGENCY MEASURES

PM-109.1 Imminent danger: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation 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 operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." 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 same.

PM-109.2 Temporary safeguards: Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM-109.3 Closing streets: When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

PM-109.4 Emergency repairs: For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

PM-109.5 Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

PM-109.6 Hearing: Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* may appeal said order to the public Officer as defined in accordance with the applicable sections of The Revised General Ordinances of Asbury Park, 12-5, et seq. UNFIT DWELLINGS.

SECTION PM-110.0 DEMOLITION

PM-110.1 General: The code official shall order the *owner* of any *premises* upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the structure, to raze and remove such structure; or if such structure is capable of being 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.

PM-110.2 Order: All notices and orders shall comply with Section PM-107.0 as amended.

PM-110.3 Failure to comply: If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the code official shall cause the structure 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.

PM-110.4 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 items of expense and the amounts deducted, for 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.

SECTION PM-111.0 MEANS OF APPEAL

PM-111.1 Hearing: Any person(s) affected by any summons which has been issued in connection with the enforcement of this code, or any rule or regulation adopted pursuant thereof, shall be heard before the Municipal Court of the City of Asbury Park in accordance with the Rules of the Municipal Court, as adopted by the Supreme Court.

CHAPTER 2

DEFINITIONS

SECTION PM-201.0 GENERAL

PM-201.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

PM-201.2 Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

PM-201.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Chapter 8, such terms shall have the meanings ascribed to them as in those codes.

PM-201.4 Terms not defined: Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

PM-201.5 Parts: Whenever the words "*dwelling unit*," "*dwelling*," "*premises*," "*building*," "*rooming house*," "*rooming unit*" or "*story*" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION PM-202.0 GENERAL DEFINITIONS

Approved: Approved by the code official.

Basement: See Section PM-302.0.

Bathroom: See Section PM-502.0.

Building: Any structure occupied or intended for supporting or sheltering any *occupancy*.

Building code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, *occupancy* and maintenance of buildings and structures.

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

Condemn: To adjudge unfit for *occupancy*.

Construction documents: All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dwellings: (See Section PM-201 .5.)

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a

series of closely associated rooms, for *persons* not members of the same *family* group.

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

Hotel: Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

One-family dwelling: A building containing one *dwelling unit* with not more than five lodgers or boarders.

Rooming house: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a *one-family dwelling* or a *two-family dwelling*.

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.

Two-family dwelling: A building containing two *dwelling units* with not more than five lodgers or boarders per *family*.

Exterior property: See Section PM-302.0.

Extermination: See Section PM-302.0.

Family: An individual or married couple and the children thereof with not more than two other *persons* related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated *persons*, living together as a single housekeeping unit in a *dwelling unit*.

Garbage: See Section PM-302.0.

Habitable space: See Section PM-402.0.

Infestation: See Section PM-302.0.

Inspection certificate: An identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

Label: An identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency (see Section 1704.0 of the *building code* listed in Chapter 8, and also *Mark*, *Manufacturer's designation* and *Inspection certificate*.)

Let for occupancy or let: See Section PM-302.0.

Manufacturer's designation: An identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also *Mark*, *Label*, and *Inspection certificate*.)

Mark: An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (see also *Manufacturer's designation*, *Label*, and *Inspection certificate*.)

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

Occupant: See Section PM-302.0.

Openable area: See Section PM-402.0.

Operator: See Section PM-302.0.

Owner: See Section PM-302.0.

Person: See Section PM-302.0.

Plumbing: See Section PM-502.0.

Plumbing fixture: See Section PM-502.0.

Premises: See Section PM-302.0.

Public nuisance: See Section PM-302.0.

Registered design professional: An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish: See Section PM-302.0.

Structure: That which is built or constructed or a portion thereof. I Tenant: See Section PM-302. 1.

Toilet room: See Section PM-502.0.

Ventilation: See Section PM-402.0.

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

Yard: See Section PM-302.0.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION PM-300 .0 GENERAL

PM-300.3 Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe and sanitary condition with all openings, doors and/or windows made secure with 1/2 inch plywood which shall be painted with the same color as the as the surrounding trim.

SECTION PM-301 .0 GENERAL

PM-301.I Scope: The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of structures, equipment and *exterior property*.

PM-301.2 Responsibility: The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in Sections PM-306.0 and PM-307.0. A *person* shall not occupy as *owner-occupant* or permit another person to occupy *premises* which do not comply with the requirements of this chapter.

PM-301.2.1 Responsibilities of owners and occupants:

(a.) Public areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

- (b.) Cleanliness. No occupant or owner of a dwelling unit shall cause excessive grease, soot or other foreign matter to accumulate on sidewalks, ceilings, or other exposed room surfaces by improper use of heating or cooking equipment. Cooking equipment shall be kept clean, free of garbage, free of particles and grease, and other materials that may result in infestation or health hazard.
- (c.) Garbage. It shall be the responsibility of the owner and any occupants to provide for sufficient receptacles for the disposal of rubbish, garbage, trash and recyclables for all dwelling units in a dwelling containing two (2) or more dwelling units and for all dwelling units on a premises where two (2) or more dwelling units share the same premises.
- (d.) Screens. Every owner and occupant shall be responsible for hanging the screens, screen doors, storm windows or storm door glass provided by the owner whenever they are required under the provisions of this code, or of any rule and/or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.
- (e.) Plumbing fixtures. Every owner and occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (f.) Security and Protection. Every owner of an apartment house containing two hundred (200) or more apartments or dwelling units shall provide security guard protection on a twenty-four (24) hour basis.
- (g.) No occupant of a dwelling unit may:
 1. Create or maintain any condition constituting a violation of the Uniform Fire Code, N.J.A.C. 5:18 et seq. as amended
 2. Take down, obscure, alter, destroy, or in any way deface any notice, certificate, or sign required to be displayed by law; or
 3. Destroy, damage or deface equipment.
- (h.) Willful Damage. Every occupant shall be liable for willfully or maliciously causing damage to any part of the premises that results in a violation of this code. Any adult occupant shall be responsible and liable for any violation of this code caused by minors under their care or custody occupying the same unit of dwelling space, if the violations were permitted to continue with the knowledge or acquiescence or consent of the adult member.
- (i.) Storage. No occupant shall utilize any area outside of his/her dwelling space for storage purposes except for an area provided for common storage by the owner of such dwelling space. Materials stored in such areas shall be secured against becoming sources of infestation and shall not be placed so as to create a hazard. *(from Municipal Ordinance 12-4.5a through 12-4.5.1)*
- (j.) Responsibility of Occupants. An occupant shall in addition to complying with all the provisions of this subsection applicable to him/her, be responsible for violations of this subsection to the extent that he/she has the power to prevent the occurrence of the violation. An occupant has the power to prevent the occurrence of a violation if;
 1. It is caused by his/her own willful act or the willful act of a member of his/her family or household or his guest; or
 2. It is the result of his/her own gross negligence, neglect or abuse, or the gross negligence, neglect or abuse of a family member of his/her family or household, or his guest; or
 3. The occupant, any member of his/her family or household, or his guest shall, with respect to the public parts of the premises, be liable if a violation is caused by his/her own willful act, gross negligence or abuse.
 4. Every occupant of each unit of dwelling space shall give the owner thereof or his agent or employees access to any part of the unit of dwelling space upon reasonable notification, which under ordinary circumstances shall be one day for multiple dwellings, except immediate for hotels, for the purpose of making such inspection and such repairs or alterations as are necessary to effectuate compliance with the law and this chapter. In case of safety or structural emergencies immediate access shall be given.
 5. All items stored by occupants in any area provided for common storage by occupants of more than one unit of dwelling space shall bear the name and dwelling unit number of the occupant storing the said item or items. It shall be the responsibility of the occupant to label each item and maintain it labeled. Materials stored in such areas shall be secured against becoming sources of infestation and shall not be placed so as to create a hazard. *(from NJAC 5:10-1 (a) & (b))*

PM-301.3 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.

PM-300.3 Vacant Structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, and sanitary condition with all openings, doors and/or windows made secure with one-half (1/2) inch plywood which shall be painted with the same color as the surrounding trim. *(from 1983 amendment to the adoption of BOCA in 1980)*

SECTION PM-302.0 DEFINITIONS

PM-302.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

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

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 any other approved pest elimination methods.

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

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

Let for occupancy or let: To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a *person* who is or is not 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.

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

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.

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

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes any of the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law;
2. Any physical condition 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;
3. Any *premises* that has unsanitary sewerage or *plumbing* facilities;
4. Any *premises* designated as unsafe for human habitation;
5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;
6. Any *premises* from which the *plumbing*, heating 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;
7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage*, or that has an uncontrolled growth of weeds; or

8. Any structure 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*.

Rubbish: Combustible and noncombustible waste materials, except *garbage*; 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 and dust and other similar materials.

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

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

SECTION PM-303.0 EXTERIOR PROPERTY AREAS

PM-303.1 Sanitation: All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

PM-303.2 Grading and drainage: All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

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

PM-303.3 Sidewalks and driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections PM-304.10 and PM-702.9.

PM-303.4 Weeds: All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

PM-303.5 Rat harborage: All structures and *exterior property* shall be kept free from rat *infestation*. Where rats 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 prevent *reinfestation*.

PM-303.6 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.

PM-303.7 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-303.8 Motor vehicles: On a residential property, unregistered motor vehicles of any type or design shall not be parked or left standing in any yard or driveway. (*from Municipal Land Development Ordinance 30:59.16a*)

SECTION PM-304.0 EXTERIOR STRUCTURE

PM-304.1 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.

PM-304.2 Exterior painting: All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

PM-304.3 Street numbers: Each structure 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. All numbers shall be in arabic numerals at least 3 inches (76 mm) high and 1/2-inch (13 mm) stroke.

PM-304.4 Structural members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM-304.5 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.

PM-304.6 Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

PM-304.7 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that 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*.

PM-304.8 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.

PM-304.9 Overhang extensions: All canopies, marquees, signs, metal awnings, 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 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.

PM-304.10 Stair and walking surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section PM-702.9.

PM-304.11 Stairways, decks, porches and balconies: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

PM-304.12 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and 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.

PM-304.13 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM-304.14 Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather tight.

PM-304.14.1 Glazing: All glazing materials shall be maintained free from cracks and holes.

PM-304.14.2 Openable windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

PM-304.15 Insect screens: During the period from May 1st to October 1st, inclusive, every door, window and other outside opening utilized or required for *ventilation* purposes serving any structure containing *habitable* rooms, food preparation areas, food service areas, or any areas where products to be included or utilized 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 where other approved means, such as air curtains or insect repellent fans are employed.

PM-304.16 Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to

dwelling units, rooming units and guestrooms shall tightly secure the door.

PM-304.17 Basement hatchways: Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

PM-304.18 Guards for basement windows: Every *basement* window that is openable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats.

SECTION PM-305.0 INTERIOR STRUCTURE

PM-305.1 General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every *occupant* shall keep that part of the structure which such *occupant* occupies or controls 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*.

PM-305.2 Structural members: All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

PM-305.3 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.

PM-305.4 Lead-based paint: Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50-percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

PM-305.5 Stairs and railings: All interior stairs and railings shall be maintained in sound condition and good repair.

PM-305.6 Stairs and walking surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section PM-702.9.

PM-305.7 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

SECTION PM-306.0 RUBBISH AND GARBAGE

PM-306.1 Accumulation of rubbish or garbage: All *exterior property* and *premises*, and the interior of every structure shall be free from any accumulation of *rubbish* or *garbage*.

PM-306.2 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.

PM-306.2.1 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*.

PM-306.3 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.

PM-306.3.1 Garbage facilities: The *owner* of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each *dwelling unit*; an approved incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an approved leakproof, covered, outside *garbage* container.

PM-306.3.2 Containers: The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such

materials until removed from the *premises* for disposal.

SECTION PM-307.0 EXTERMINATION

PM-307.1 Infestation: 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 *reinfestation*.

PM-307.2 Owner: The *owner* of any structure shall be responsible for *extermination* within the structure prior to renting or leasing the structure.

PM-307.3 Single occupant: The *occupant* of a *one-family dwelling* or of a single-tenant nonresidential structure shall be responsible for *extermination* on the *premises*.

PM-307.4 Multiple occupancy: The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house*, student housing or a nonresidential structure shall be responsible for *extermination* in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupants* shall be responsible for *extermination*.

PM-307.4.1 Multiple Dwellings: Every owner shall be responsible for the eradication of any insects rodents or other pests when the infestation exists in two or more units of dwelling space or in common areas. (*from NJAC 5:10-10.2 (a)*)

PM-307.5 Occupant: The *occupant* of any structure shall be responsible for the continued rat-free condition of the structure, and if the *occupant* fails to maintain the rat-free condition, the cost of *extermination* shall be the responsibility of the *occupant*.

Exception: Where rat *infestations* are caused by defects in the structure, the *owner* shall be responsible for *extermination*.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION PM-401.0 GENERAL

PM-401.1 Scope: The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

PM-401.2 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 any *premises* that do not comply with the requirements of this chapter.

PM-401.3: In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *building code* listed in Chapter 8 shall be permitted.

SECTION PM-402.0 DEFINITIONS

PM-402.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

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

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

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

SECTION PM-403.0 LIGHT

PM-403.1 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 where artificial light is provided in accordance with the provisions of the *building code* listed in Chapter 8. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) 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.

PM-403.2 Common halls and stairways: Every common hail and stairway, other than in *one- and two-family dwellings*, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m²) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

PM-403.3 Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION PM-404.0 VENTILATION

PM-404.1 Habitable spaces: Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM-403. 1.

PM-404.2 Bathrooms and toilet rooms: Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section PM-404. 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 with effective absorption and filtering equipment.

PM-404.3 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.

PM-404.4 Process ventilation: Where injurious, toxic, irritating or noxious fumes, gases, dusts 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.

PM-404.5 Clothes dryer exhaust: Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

SECTION PM-405.0 OCCUPANCY LIMITATIONS

PM-405.1 Privacy: *Dwelling units, hotel units, rooming units and dormitory units* shall be arranged to provide privacy and be separate from other adjoining spaces.

PM-405.2 Access from sleeping rooms: Sleeping rooms shall not constitute the only means of access to other sleeping rooms or *habitable spaces*.

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

PM-405.3 Area for sleeping purposes: Every room occupied for sleeping purposes by one *occupant* shall contain at least 70 square feet (6.5 m²) of floor area, and every room occupied for sleeping purposes by more than one *person* shall contain at least 50 square feet (4.6 m²) of floor area for each *occupant* thereof.

PM-405.4 Water closet accessibility: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

PM-405.5 Overcrowding: *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of Table PM-405.5.

Table PM-405.5
MINIMUM AREA REQUIREMENTS

Space	Minimum area in square feet		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room	No requirements	120	150
Dining room	No requirements	80	100
Kitchen	50	50	60
Bedrooms shall comply with Section PM-405.3			

See Section PM-405.6 for combined living room/dining room spaces.

PM-405.6 Combined spaces: Combined living room and dining room spaces shall comply with the requirements of Table PM-405.5 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.

PM-405.7 Prohibited occupancy: Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

PM-405.8 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 (2134 mm).

Exceptions:

1. In *one- and two-family dwellings*, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. *Basement rooms in one- and two-family dwellings* occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) 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 area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

PM-405.9 Minimum room widths: A *habitable room*, other than a kitchen, shall not be less than 7 feet (2134 mm)

in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

PM-405.10 Food preparation: All spaces to be occupied for food preparation purposes 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.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-501.0 GENERAL

PM-501.1 Scope: The provisions of this chapter shall govern the minimum *plumbing* facilities and *plumbing fixtures* to be provided.

PM-501.2 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 any structure or *premises* which does not comply with the requirements of this chapter.

PM-501.2.1 Required utility: No owner, operator or other responsible person(s) shall cause or allow any water service, facility, or equipment to be removed from, shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by an appropriate authority in furtherance of such emergency. This provision shall not be interpreted as preventing a utility company from disconnecting service for reasons allowed by law.

SECTION PM-502.0 DEFINITIONS

PM-502.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

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

Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 8.

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 therefrom; or discharges waste 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*.

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

SECTION PM-503.0 REQUIRED FACILITIES

PM-503.1 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.

PM-503.2 Rooming houses: At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*. (*Superseded by the Rooming and Boarding House Act of 1979 which requires one bathroom for eight rooming units*)

PM-503.3 Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

PM-503.4 Employee's facilities: A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

PM-503.4.1 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*.

SECTION PM-504.0 TOILET ROOMS

PM-504.1 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.

PM-504.2 Location: *Toilet rooms* and *bathrooms* serving *hotel* units, *rooming units* or *dormitory* units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

PM-504.3 Location of employee toilet facilities: Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION PM-505.0 PLUMBING FIXTURES

PM-505.1 General: All *plumbing fixtures* shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such *plumbing fixtures* are designed. All *plumbing fixtures* shall be maintained in a safe, sanitary and functional condition.

PM-505.2 Fixture clearances: *Plumbing fixtures* shall have adequate clearances for usage and cleaning.

SECTION PM-506.0 WATER SYSTEM

PM-506.I 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.

PM-506.2 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.

PM-506.3 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 from defects and leaks.

PM-506.4 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, toilet room*, 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.

SECTION PM-507.O SANITARY DRAINAGE SYSTEM

PM-507.1 General: All *plumbing fixtures* shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM-507.2 Maintenance: Every *plumbing* stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION PM-508.D STORM DRAINAGE

PM-508.I 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*.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-601 .0 GENERAL

PM-601.1 Scope: The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

PM-601.2 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 any *premises* which does not comply with the requirements of this chapter.

PM-601.2.1 Required utilities: No owner, occupant or other responsible person(s) shall cause or allow any electric or heating service, facility or equipment to be removed from, shut off from, or discontinued for any dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance is approved by the approved authority in furtherance of said emergency. This provision shall not be interpreted as preventing a utility company from discontinuing service for reasons allowed by law. (*from APHA 8.12*)

PM-601.2.3 Cabinets and/or shelves: Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect on food. (*from APHA 4.01.02*)

SECTION PM-602.0 HEATING FACILITIES

PM-602.1 Facilities required: Heating facilities shall be provided in structures as required by this section.

PM-602.2 Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all *habitable* rooms, *bathrooms* and *toilet rooms* based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

PM-602.2.1 Heat supply: (a) From October 1st of each year to the next succeeding May 1st, and at other times when the outside temperature falls below 60 degrees Fahrenheit, every unit of dwelling space and every habitable room therein shall be maintained at a temperature of at least 68 degrees Fahrenheit between the hours of 6:00AM and 11:00PM and at least 65 degrees Fahrenheit between the hours of 11:00PM and 6:00AM. The heating system shall be capable of maintaining the minimum required temperature in all habitable rooms without the necessity of heating adjoining rooms more than five degrees higher than the minimum standard.

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

PM-602.2.2 Room temperature exception: When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Chapter 8, the *owner* or *operator* shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position. (*from NJAC 5:10-14.4 (a) & (c)*)

PM-602.3 Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1st to May 1st to maintain a temperature of not less than 65 degrees Fahrenheit during all working hours.

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.

PM-602.4 Room temperature measurement: The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

SECTION PM-603.0 MECHANICAL EQUIPMENT

PM-603.I Mechanical equipment: All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

PM-603.2 Equipment access: Access to outdoor mechanical equipment shall be maintained under all weather conditions.

PM-603.3 Cooking and heating equipment: All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

PM-603.4 Flue: All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

PM-603.5 Clearances: All required clearances to combustible materials shall be maintained.

PM-603.6 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-603.7 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.

PM-603.8 Energy conservation devices: Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION PM-604.0 ELECTRICAL FACILITIES

PM-604.1 Facilities required: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section PM-605.0.

PM-604.2 Service: The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

PM-604.3 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.

SECTION PM-605.0 ELECTRICAL EQUIPMENT

PM-605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

PM-605.2 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.

PM-605.3 Lighting fixtures: Every public hall, interior stairway, water closet compartment, *bathroom*, laundry room and furnace room shall contain at least one electric lighting fixture.

SECTION PM-606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

PM-606.1 General: Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

PM-606.2 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 or servicing.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION PM-701 .0 GENERAL

PM-701.1 Scope: The provisions of this chapter 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.

PM-701.2 Responsibility: The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION PM-702.0 MEANS OF EGRESS

PM-702.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

PM-702.2 Exit capacity: The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the *building code* listed in Chapter 8.

PM-702.3 Number of exits: In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with 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 occupied story which is both totally below grade and greater than 2,000 square feet (186 m²) shall be provided with not less than two independent exits.

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

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the *building code* listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the *building code* listed in Chapter 8.

PM-702.4 Arrangement: Exits from *dwelling units*, *rooming units*, guestrooms and *dormitory* units shall not lead through other such units, or through *toilet rooms* or *bathrooms*.

PM-702.5 Exit signs: All means of egress shall be indicated with approved "Exit" signs where required by the *building code* listed in Chapter 8. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

PM-702.6 Corridor enclosure: All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exceptions

1. Corridors in *occupancies* in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in *occupancies* in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8, are not required to be self-closing.
3. Corridors in *occupancies* in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the *building code* listed in Chapter 8.

PM-702.7 Dead-end travel distance: All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

PM-702.8 Aisles: Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in *occupancies* in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the *building code* listed in Chapter 8. In all other *occupancies*, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles

shall not be obstructed by chairs, tables or other objects.

PM-702.9 Stairways, handrails and guards: Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) 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 (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

PM-702.10 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 shall be identified by approved signs in accordance with the requirements for new buildings in the *building code* listed in Chapter 8.

Exception: The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the *building code* listed in Chapter 8.

PM-702.11 Locked doors: All means of egress doors shall be readily *openable* from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section PM-702.11.1.

PM-702.11.1 Locks permitted: Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove *occupants* safely in case of fire or other emergency.
2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
3. Where the door hardware conforms to that permitted by the *building code* listed in Chapter 8.

PM-702.12 Emergency escape: Every sleeping room located in a *basement* in an *occupancy* in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception: Buildings equipped throughout with an automatic fire suppression system.

PM-702.12.1 Security: Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

SECTION PM-703.O ACCUMULATIONS AND STORAGE

PM-703.1 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.

PM-703.2 Hazardous material: Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible *rubbish*, such as wastepaper, 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 listed in Chapter 8.

SECTION PM-704.0 FIRERESISTANCE RATINGS

PM-704.1 General: The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

PM-704.2 Maintenance: All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

SECTION PM-705.D FIRE PROTECTION SYSTEMS

PM-705.1 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 properly maintained.

PM-705.2 Fire suppression system: Fire suppression systems shall be in proper operating condition at all times.

PM-705.2.1 Valves: Control valves shall be in the fully open position.

PM-705.2.2 Sprinklers: Sprinklers shall be clean and free from corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

PM-705.2.3 Piping: Piping shall be properly supported and shall not support any other loads.

PM-705.3 Standpipe systems: Standpipe systems shall be in proper operating condition at all times.

PM-705.3.1 Valves: Water supply control valves shall be in the fully open position.

PM-705.3.2 Hose connections: Hose connections shall be identified and have ready access thereto.

PM-705.3.3 Hose: Where provided, the hose shall be properly packed, dry and free from deterioration.

PM-705.4 Fire extinguishers: All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

PM-705.5 Smoke detectors: A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in *occupancies* in Use Groups R- I and I-1, and in *dwelling units* in the immediate vicinity of the bedrooms in *occupancies* in Use Groups R-2 and R-3. In all residential *occupancies*, smoke detectors shall be required on every story of the *dwelling unit*, including *basements*. In *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

PM-705.5.1 Installation: All detectors shall be installed in accordance with the *building code* listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the *occupants* within the individual room or *dwelling unit*.

PM-705.5.2 Power source: The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

PM-705.5.3 Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

I PM-705.6 Fire alarm systems: Fire alarm systems shall be in proper operating condition at all times.

PM-705.6.1 Control panel: The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

PM-705.6.2 Manual fire alarm boxes: All manual fire alarm boxes shall be operational and unobstructed.

PM-705.6.3 Automatic fire detectors: All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

PM-705.6.4 Fire alarm systems: After the inspection for occupancy has been passed by the City Inspector, the tenant shall be responsible for the maintenance of the batteries for smoke alarms in his/her respective unit. This shall include changing the battery whenever necessary.

PM-705.7 Records: A complete written record of all tests and inspections of fire protection systems shall be maintained on the *premises* by the *owner* or *occupant* in charge of said *premises*.

SECTION PM-706.O ELEVATOR RECALL

PM-706.I Required: All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A 17.1 listed in Chapter 8.

SECTION PM-707.0 MECHANICAL EQUIPMENT CONTROL

PM-707.1 Smoke and heat detection: Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm (0.94 m³/sec) and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

SAVING CLAUSE

That nothing in this Ordinance 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 is hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

CHAPTER 8

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section PM- 101.4.

American Society of Mechanical Engineers
345 East 47th Street
New York, New York 10017



reference number	Standard	Title	in code Section number	Referenced
A17.1 —93	Safety Code for Elevators and Escalators			
	- with 1994 Addenda (A17.1a)		PM-706. 1	

* Building Officials and Code Administrators International, Inc.

CODES

4051 West Flossmoor Road
Country Club Hills, Illinois 60478-5795

Standard reference	Title	Referenced in code
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number		Section number
BNBC —96	BOCA National Building Code	PM- 101.7 PM-201.3, PM-202.0, PM-401.2, PM-403.1, PM-702.2, PM-702.3, PM-702.5, PM-702.6, PM-702.8, PM-702. 10, PM-702. 11.1, PM-703.2, PM-705.5. 1
BNFPC —96	BOCA National Fire Prevention Code	PM-702.6 PM-703.2
IMC —96	ICC International Mechanical Code	PM-101.7 PM- 102.3, PM-602.2, PM-602.2.2, PM-707. 1
IPC —95	ICC International Plumbing Code – with 1996 Supplement	PM- 101.7 PM-201 .3, PM-502. 1

*All BOCA and ICC publications are available from BOCA

NFPA National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269

Standard reference number	Title	Referenced in code Section number
70-96	National Electrical Code	PM-101.7 PM-604.2

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