

**ORDINANCE NO. 3778**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN BY DELETING AND REPEALING CHAPTER 183, THEREOF, PROPERTY MAINTENANCE, AND REPLACING IT WITH A NEW CHAPTER 183, TO BE ENTITLED PROPERTY MAINTENANCE**

**SUMMARY**

An Ordinance amending the Code of the Township of Franklin by deleting and repealing Chapter 183 – Property Maintenance and replacing it with a new Chapter 183 to be entitled, Property Maintenance.

**BE IT ORDAINED** by the Township Council of the Township of Franklin as follows:

**SECTION I**

The Code of the Township of Franklin is hereby amended by deleting and repealing Chapter 183, Property Maintenance.

**SECTION II**

The Code of the Township of Franklin is hereby amended thereto a new chapter, to replace Chapter 183 hereinabove repealed, to be Chapter 183, Property Maintenance, to read as follows:

**CODE OF THE TOWNSHIP OF FRANKLIN  
CHAPTER 183  
PROPERTY MAINTENANCE**

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**ARTICLE I  
GENERAL PROVISIONS**

**§ 183-1. Title.**

The title of this chapter shall be the Property Maintenance Code of the Township of Franklin, hereinafter referred to as "this chapter."

**§ 183-2. Intent.**

The intent of this chapter shall be to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of existing 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.

**§ 183-3. Scope and Effective Date.**

The provisions of this chapter shall apply to all existing residential and nonresidential premises and structures; however, unless otherwise specified, they shall apply to the interiors of owner occupied, single-family dwellings only in the case of resale. The provisions of this chapter shall constitute the minimum requirements and standards for said premises and structures, including: equipment and facilities; occupancy; life safety; prevention of hazardous conditions; protection from the elements; safe and sanitary maintenance; and the responsibility of owners, occupants, and operators. The provisions for the administration of this chapter, including enforcement and penalties shall also be set forth herein.

With the exception of Article IV, Certificate of Continued Building Compliance, the provisions of this chapter shall be effective immediately upon adoption by the Township. The requirements of Article IV, with respect to the issuance of a Certificate of Continued Building Compliance for nonresidential premises and structures shall be effective on January 1, 2010. The requirements of Article IV with respect to the issuance of a Certificate of Continued Building Compliance for residential premises and structures shall not be effective until such time that an ordinance is adopted by the Township which provides such effective date.

**§ 183-4. Severability.**

Each section, subsection, sentence, clause, and phrase of this chapter is declared to be independent of all others, therefore, should any portion of this chapter, for any reason, be found or held to be unconstitutional, void, or ineffective, such decision shall not affect the validity of the remaining portions of this chapter.

**§ 183-5. Applicability.**

- A. When, in a specific case, different sections of this chapter specify different requirements, the most restrictive shall prevail. Nothing in this chapter shall be construed to cancel, modify, or set aside the provisions of any other chapter of The Code of the Township of Franklin.
- B. Any matter not addressed by this chapter shall be regulated by whichever of the following codes is applicable: Uniform Construction Code (N.J.A.C. 5:23), Uniform Fire Code (N.J.A.C. 5:70), Regulations for Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10), New

Jersey State Housing Code (N.J.A.C. 5:28), and/or the remaining chapters of The Code of the Township of Franklin. If any of these codes specify requirements that differ from this chapter, the most restrictive shall prevail.

- C. Additions, alterations, and repairs to a structure, or changes of occupancy, shall be done in accordance with the provisions of the Uniform Construction Code (N.J.A.C. 5:23). Additions, alterations, repairs, maintenance work, or installations that are caused directly or indirectly by the enforcement of this chapter shall be performed in a workmanlike manner, and/or installed in accordance with the manufacturer's installation instructions, and shall not be done until all required permits and/or approvals are in place.
- D. Equipment, systems, devices, and safeguards required by this chapter, or any other code, shall be maintained in good working order. No owner, occupant, operator, or contractor shall cause any service, facility, equipment, or utility that is required under this section to be removed, shut off, or discontinued from any occupied structure, except for such temporary interruption that is necessary while repairs or alterations are in progress.
- E. Except as otherwise specified herein, the property owner is ultimately responsible for the maintenance of buildings, structures, and premises and ensuring compliance with all the provisions of this chapter. No person shall occupy as owner-occupant or permit another person to occupy premises that do not comply with the requirements of this chapter.
- F. The provisions of this chapter shall not be mandatory for existing buildings or structures officially designated as historic when such buildings or structures are judged by the Code Enforcement Official to be safe and do not compromise the health, safety, or welfare of the public.
- G. The Code Enforcement Official shall determine any requirements that are necessary for the strength, stability, or proper operation of an existing structure, fixture, or piece of equipment, or for the health, safety, or welfare of the public, not specifically covered by this chapter.

**§ 183-6. Word usage.**

- A. When not inconsistent with the text, words used in the present tense also include the future, words used in the singular also include the plural, words used in the plural also include the singular, and words used in the masculine gender also include the feminine and neuter.
- B. The word "shall" is always mandatory. The word "may" is always permissive.
- C. Whenever the words "dwelling unit," "dwelling," "premises," "building," "structure," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

**§ 183-7. Definitions.**

For the purposes of this chapter, the following words, phrases, terms, or their derivations shall have the meanings stated herein, unless otherwise expressly stated or if their use in the text clearly demonstrates another meaning:

**AFFIDAVIT OF GOOD FAITH** - An owner-landlord's sworn statement that: 1.) the tenant signed a lease or was provided a written copy of the rental policy in which the number of intended occupants was specified, 2.) the number of allowed occupants was within the standards established by the applicable code requirements or rental policy, and 3.) any additional occupants in excess of the number of occupants specified became residents of the rental unit without the consent of the owner-landlord.

**APPROVED** - Approved by either the Code Enforcement Official or Code Enforcement Inspector, depending upon the individual circumstances.

**BASEMENT** - That portion of a building that is partly below and partly above grade, and has at least one-half its ceiling height above grade.

**BATHROOM** - A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM** - Any room or space used or intended to be used for sleeping purposes.

**CELLAR** - That portion of a building that is partly or completely below grade, and has more than one-half its ceiling height below grade.

**CERTIFICATE OF CONTINUED BUILDING COMPLIANCE** - A visual inspection and certification that the structure in its present condition meets the minimum health, code and life safety requirements that were in effect when the structure was originally built. Inspection shall be based upon a visual inspection only of the premises. No destructive or invasive testing shall be done nor shall any guarantees or warranties be given or implied.

**CODE ENFORCEMENT INSPECTOR** - Any employee of the Township or person duly authorized to inspect under and enforce this chapter including, but not limited to, personnel of the Departments of Community Development (Construction Code, Housing & Property Maintenance, and Planning & Zoning), Engineering, Fire Prevention, and Health.

**CODE ENFORCEMENT OFFICIAL** - Any administrative level employee of the Township or person duly authorized to administer and enforce this chapter including, but not limited to, the Director of Community Development, the Construction Official, the Fire Official, the Director of the Health Department, the Township Engineer, or their designees, pursuant to the authority granted to each official by the State of New Jersey.

**COMMON AREA** - Any area accessible to, and which may be utilized by, the occupants of a building, the owner or owner's agent, any person employed in the maintenance of the building, and/or the general public that is not part of any specific dwelling unit; or any room or area, including common appliances therein, of a single-family dwelling unit that are accessible to, and which may be utilized by, the occupants of such unit without restriction, including, but not limited to, the kitchen, bathroom, toilet room, dining room, living room, family room, attic, basement, and garage.

**CONDEMN** - To adjudge unfit for occupancy.

**CONTAINERIZED** - The placement of yard waste in a trashcan, bucket, bag, or other vessel to prevent such yard waste from spilling or blowing out into the street and coming into contact with stormwater.

**CRAWL SPACE** – An unoccupiable area in a building not more than forty-eight inches in height.

**DOMESTIC SEWAGE** – Waste and wastewater from humans or household operations.

**DORMITORY UNIT** – A room or area of a building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use, that does not include either individual kitchen facilities or private bathroom facilities.

**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. (See **HOUSEKEEPING UNIT**.)

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

**EXTERIOR PROPERTY** - The open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

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

**GUARD** - A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**GUEST ROOM** – Any room in a dwelling unit that is occupied by any person on a temporary or transient basis.

**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.

**HOUSEKEEPING UNIT** – A group of people, regardless of familial relationship, whose members have equal and unlimited access rights to all common areas and common appliances of a dwelling unit, and constitute a single, economic entity, characterized by stability, permanence, and functionality, by maintaining a single-family dwelling unit in common. Any individual occupying either a room or an area that contains a private refrigerator, microwave oven, hot plate, or other similar appliance shall not be deemed a member of the housekeeping unit.

**ILLICIT CONNECTION** – Any physical or non-physical connection that discharges domestic

waste, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township, unless such discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

**IMMINENT DANGER** - A condition that could cause serious or life-threatening injury or death at any time.

**INDUSTRIAL WASTE** - Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307 (a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. Subsection 1317 (a), (b), or (c)].

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

**INOPERABLE MOTOR VEHICLE** - A vehicle or vessel which cannot be operated upon public streets, waterways, or other thoroughfares for reasons including but not limited to being unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

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

**LABELED** - Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**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.

**MOTOR VEHICLE** - A vehicle or vessel made to operate under its own power upon public streets, waterways, or other thoroughfares including, but not limited to, cars, trucks, motorcycles, vans, motor homes, recreational vehicles, and powerboats.

**MULTIPLE-FAMILY DWELLING** - Any building or structure, part thereof, and land appurtenant thereto that contains three or more dwelling units.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** - A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains that is owned or operated by Franklin Township or other public body, and is designed and used for collecting or conveying stormwater.

**NJPDES PERMIT** - A permit issued by the New Jersey Department of Environmental

Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDDES) rules at N.J.A.C. 7:14A.

**NON-CONTACT COOLING WATER** – Water used to reduce temperature for the purposes of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat), or finished product. Non-contact cooling water may however contain algacides, biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

**OCCUPANCY** - The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT** - Any individual living or sleeping in a building or having possession of a space within a building.

**OPENABLE AREA** - That part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

**OVERCROWDING** - Occupancy in excess of the standards governing the use and occupancy of space and floor area adopted by the Department of Community Affairs pursuant to the State Housing Code, P.L.1971, c.224 (C.2A:42-85 et seq.), or the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).

**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, company, partnership, firm, association, political subdivision of this State, or any other group acting as a unit and subject to municipal jurisdiction.

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

**PROCESS WASTEWATER** – Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

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

**RENT** – A fee charged by a landlord and paid by a tenant to occupy a building or portion thereof for a specified period of time. Such fee must be charged on a per dwelling unit basis

and may not be charged per person occupying said dwelling unit.

**RENTAL POLICY** - Any documents including, but not limited to, a lease agreement, rental application, rules and regulations, or rules of conduct established by the owner-landlord that creates maximum occupancy limits for a rental unit.

**RENTAL UNIT** - A single, independent unit, either residential or non-residential, for which a fee to occupy and/or use is charged by a landlord and paid by a tenant.

**ROOMING HOUSE** - A building containing one or more rooming units, arranged or occupied for lodging, with or without meals, whether or not some type of compensation or remuneration is remitted to either the owner or the owner's agent.

**ROOMING UNIT** - Any room or group of rooms forming a single habitable unit either occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**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 waste, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

**SEASONAL RENTAL UNIT** - Use or rental for a term of not more than 125 consecutive days for residential purposes by a person having a permanent place of residence elsewhere. "Seasonal rental unit" does not mean use or rental of living quarters for seasonal, temporary, or migrant farm workers in connection with any work or place where work is being performed. The owner-landlord shall have the burden of proving that the use or rental of the residential property is seasonal.

**SINGLE-FAMILY DWELLING UNIT** - A unit that shall only be occupied and used by a single housekeeping unit, as defined in this section. Any other occupancy or use of a single-family dwelling unit shall be considered a violation of this chapter.

**STORMWATER** - Water resulting from precipitation, including rain and snow, that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**STREET** - Any avenue, boulevard, drive, parkway, road, street, viaduct, or other way that is an existing state, county, or municipal roadway and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street line.

**STRICT LIABILITY OFFENSE** - An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act that was prohibited, or failed to do an act that the defendant was legally required to do.

**STRUCTURE** - That which is built or constructed or a portion thereof.

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY** - A structure is unfit for human occupancy whenever the Code Enforcement 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 or contamination, or lacks ventilation, illumination, sanitary or heating facilities or, other essential equipment required by this chapter; or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

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

TOILET ROOM - A room containing a water closet or urinal, but not a bathtub or shower.

TRANSIENT - Occupancy for not more than ninety days by a person having a principal residence elsewhere.

UNLAWFUL EQUIPMENT - Any equipment on the premises or within the structure that was constructed, installed, altered, or operated contrary to law.

UNLAWFUL STRUCTURE - A structure found in whole or in part to be occupied by more persons than permitted under this chapter, or was erected, altered, or occupied contrary to law.

UNSAFE EQUIPMENT - Any equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, safety, or property of the occupants of the premises or structure or the public.

UNSANITARY - Conditions which are not sanitary or healthful, including, but not limited to, the absence of running potable water and/or a sewer or septic system that is not fully operational.

UNSAFE STRUCTURE - A structure that is found to be dangerous to the life, health, safety, or property of the occupants of the structure or the public 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 possible.

USE - Means that portion of a building or tenancy which is devoted to a single group or special use or occupancy as defined in the building subcode or as established by the provisions of any other subcode for the purpose of specifying special requirements applicable to that portion of a building or tenancy.

USE GROUPS - Use groups shall be as defined as per N.J.A.C. 5:23 in the adopted version of the International Building Code New Jersey Edition. Chapter 3

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

WEEDS - All grasses, annual plants, and vegetation, other than trees or shrubs, but not including cultivated flowers and gardens and all areas in a natural state.

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

YARD - An open space on the same lot with a structure.

YARD WASTE - Leaves and grass clippings.

## **ARTICLE II ADMINISTRATION**

### **§ 183-8. Authority and enforcement.**

The Code Enforcement Official, as defined in Section 183-7, shall have the authority to interpret, implement, and enforce the provisions of this chapter, and with the approval of the Township Manager, to adopt and promulgate rules and procedures or designate special requirements applicable because of climatic or other specific conditions.

### **§ 183-9. Records retention.**

The Code Enforcement Official and Code Enforcement Inspector shall keep official records of all business and activities relating to the administration and enforcement of this chapter. Such records shall be retained as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

### **§ 183-10. Inspections.**

- A. The Code Enforcement Inspector shall perform all required inspections and maintain written reports of the same; however, he may accept properly certified reports of inspection by approved individuals or agencies. He is also authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.
- B. The Code Enforcement Inspector shall always carry proper Township identification when inspecting structures or premises in the performance of his duties under this chapter.
- C. Subject to constitutional restrictions on unreasonable searches and seizures, the Code Enforcement Inspector is authorized to enter a structure or premises at reasonable times to carry out an inspection, except in case of an emergency situation when he is authorized to enter and inspect on a twenty-four hour basis. He is further authorized to inspect common areas of multiple-family dwellings on a twenty-four hour basis. If entry is refused or not obtained, he is authorized to pursue recourse as provided by law.
- D. Whenever more than one Code Enforcement Inspector is involved in the enforcement of this chapter or another code or ordinance, it shall be the duty of said Code Enforcement

**§ 183-11. Special provisions.**

- A. Whenever there are practical difficulties involved in carrying out the provisions of this chapter, the Code Enforcement Inspector shall, with the approval of the Construction Official, the Fire Official, and the Director of the Health Department, or their designees, have the authority to grant modifications for individual cases, provided he determines that the special individual reason makes adherence to the strict letter of this chapter impractical, that the modification is in compliance with the intent and purpose of this chapter, and that such modification does not lessen health, life, and fire safety requirements. The details of the action granting modifications shall be recorded and entered into the files of the relevant department(s).
- B. The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material or method of construction shall be considered approved where the Construction Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability, and safety.
- C. Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the Code Enforcement Official shall have the authority to require tests to be made as evidence of compliance at no expense to the Township. Test methods shall be either as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Enforcement Official shall be permitted to approve appropriate testing procedures performed by an approved agency. Test reports shall be retained in the files of the relevant department(s).
- D. Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, in proper working condition, and approved.

**§ 183-12. Violations and penalties.**

- A. Any individual, corporation, company, association, society, firm, partnership, or other entity found to be in violation of or in conflict with any of the provisions of this chapter shall be subject to the provisions and penalties set forth in this chapter; Part 1, Chapter 1, Article II, Section 1-3 of the Code of the Township of Franklin; and N.J.S.A. 40:69A-29(b).
- B. Whenever the Code Enforcement Official determines or has grounds to believe that there has been a violation of this chapter, that a structure or piece of equipment is unsafe, or that

an unsafe structure must be demolished he shall issue a notice of violation and/or order to correct and/or a notice and order of penalty to the owner or the owner's agent, except as otherwise set forth herein.

1. The form of such notice shall be in accordance with all of the following:
  - a. Be in writing;
  - b. Include the block, lot, address, and any other description of the property sufficient for identification;
  - c. Include a statement of the violation or violations;
  - d. Include a correction order that states a specific time frame to perform the work required to bring the dwelling unit, structure, or premises into compliance with the provisions of this chapter; and
  - e. Include the amount of the penalty to be imposed either immediately and/or for noncompliance.
2. Such notice shall be deemed to be properly served if a copy thereof is delivered personally, sent by first-class mail to the last known address of the owner or owner's agent, and/or posted in a conspicuous place on or about the subject structure or premises.
3. As prescribed by N.J.A.C. 5:11-2.3(c): "In cases where a landlord is to be cited for a violation pursuant to an illegal occupancy which could potentially result in a (g)3 eviction, the following shall be included as an insert sent with the violation notice:"

"IF, IN SEEKING TO CORRECT THE ILLEGAL OCCUPANCY FOR WHICH YOU HAVE BEEN CITED, IT IS NECESSARY FOR YOU TO EVICT ONE OR MORE TENANTS TO COMPLY, YOU MUST NOTIFY THOSE TENANTS OF THEIR POTENTIAL ELIGIBILITY FOR RELOCATION ASSISTANCE. FURTHER INFORMATION REGARDING YOUR RESPONSIBILITIES AS OWNER PURSUANT TO REGULATIONS CONCERNING EVICTION AND RELOCATION MAY BE OBTAINED BY CONTACTING THE FOLLOWING:

DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS  
OFFICE OF LANDLORD-TENANT INFORMATION  
PO BOX 805  
TRENTON, NEW JERSEY 08625-0805  
**TELEPHONE: 609-633-6606"**

- C. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- D. The Code Enforcement Official may levy fines of up to \$2,000.00 per day, per offense for violations of this chapter and/or for noncompliance with orders or notices

- E. In addition to the fines prescribed in Subsection D above, in the case of either a resident who attends a public school of the Township while illegally occupying a dwelling unit or a nonresident who uses a dwelling unit within the Township to illegally attend a public school of the Township, the owner-landlord of such dwelling unit shall be charged a fine equal to the annual tuition costs determined in a manner prescribed for nonresident pupils pursuant to N.J.S.A. 18A:38-19, which fine shall be recovered in civil action by a summary proceeding in the name of the Township pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq. The Municipal Court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this subsection. Payment of the fine shall be remitted to the Franklin Township Board of Education.
- F. In addition to the fines prescribed in Subsection D above, specific procedures and fines imposed for violations of Chapter V that constitute illegal occupancy resulting in overcrowding are set forth in Section 183-26.
- G. It shall be unlawful for the owner of any dwelling unit, structure, or premises who has received a notice of violation and/or order to correct and/or notice and order of penalty to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit, structure or premises to another until he has come into compliance and/or paid any and all fines.
- H. Any person failing to comply with a notice of violation and/or order to correct and/or notice and order of penalty served in accordance with this section shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation or order is not complied with, the Code Enforcement Official shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by the Township on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
  - 1. In the event that any violation of this chapter shall result in the removal of a tenant, all costs, additional fines, and/or other expenses shall be imposed against the owner/landlord or tenant in accordance with applicable State law.
- I. The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of a building, structure, or premises.

**§ 183-13. Unsafe, unfit, or unlawful structures and unsafe or unlawful equipment.**

When the Code Enforcement Inspector finds a structure or equipment to be unsafe or unlawful or when he finds a structure to be unfit for human occupancy, he shall report such condition to the Code Enforcement Official, who shall then declare such structure or equipment unsafe pursuant to the provisions of this chapter.

- A. Whenever the Code Enforcement Official has declared a structure or equipment unsafe, unfit for human habitation, or unlawful under the provisions of this section, he shall serve notice on the owner and/or person responsible for the structure or equipment in accordance with Section 183-12.B., except as otherwise set forth herein.

- B. In conjunction with serving notice, the Code Enforcement Official shall post on the premises or equipment a placard bearing the word "Unsafe" and a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard. The placard shall remain in place until such time as all the conditions that prompted its having been posted have been corrected. Any person who defaces or removes such a placard without the approval of the Code Enforcement Official shall be subject to the penalties provided by this chapter.
- C. Any occupied structure declared as unsafe and placarded shall be vacated as ordered by the Code Enforcement Official. Additionally, any equipment declared unsafe and placarded shall not be operated as ordered by the Code Enforcement Official. Any person who shall occupy a placarded structure or premises or shall operate placarded equipment, and any owner or any person responsible for said premises who shall let anyone occupy a placarded structure or premises or operate placarded equipment shall be liable for the penalties provided by this chapter.
- D. If a structure has been vacant and/or is unfit for human habitation and occupancy for sixty days, and is not in danger of structural collapse, the Code Enforcement Official is authorized to post a placard of unsafe structure on the premises and order the structure to be closed and secured so as not to be an attractive nuisance. Upon failure of the owner to close and secure the premises within the time specified in the order, the Code Enforcement Official shall cause the premises to be closed and secured 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 and may be collected by any other legal resource. All such structures must be closed and secured in accordance with the standards set forth by the United States Department of Housing and Urban Development.

**§ 183-14. Order to demolish.**

When, in the judgment of the Construction Official, any structure is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy to such an extent that it is unreasonable to repair the structure, or where there has been a cessation of normal construction of any structure for a period of more than two years he shall order the owner of the premises upon which such structure is located to demolish and remove such structure within a reasonable time.

- A. All demolition notices and orders shall be issued in compliance with Section 183-12.B.
- B. Any structure ordered to be demolished shall be placarded as described in Section 183-13.B.
- C. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Construction Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- D. When any structure has been ordered demolished and removed, the Township Council or

any designated Township official under said contractor 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 demolition 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.

**§ 183-15. Emergency measures.**

- A. Notwithstanding other provisions of this chapter, when, in the opinion of the Code Enforcement Official, there is imminent danger of failure or collapse of a building, or where there is a 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 when defective or dangerous equipment is in operation, or when a structure or part thereof does not have potable water available and/or operable sanitary sewer or septic services, or when a similar condition exists by which the health, safety, or welfare of the public is at risk, he is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Enforcement Official shall cause to be posted at each entrance to such structure a notice reading as follows: "THIS STRUCTURE IS DECLARED UNSAFE AND/OR UNSANITARY. NO INDIVIDUAL IS TO OCCUPY THIS STRUCTURE UNTIL IT IS RENDERED SAFE, SANITARY, AND SECURE." 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 demolishing said structure.
- B. Notwithstanding other provisions of this chapter, whenever, in the opinion of the Code Enforcement Official, there is imminent danger due to an unsafe and/or unsanitary condition, he shall order the necessary work to be done to render such structure temporarily safe and/or sanitary whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as he deems necessary to meet such emergency.
- C. For the purposes of this section, the Code Enforcement Official, with the approval of the Township Manager, is authorized and empowered to employ the necessary labor and materials to perform the required work as expeditiously as possible.
- D. Any and all costs incurred in the performance of emergency work shall be paid by the Township. The Township Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**ARTICLE III**  
**REGISTRATION AND INSPECTION OF RENTAL UNITS**

**§ 183-16. Registration of rental units.**

All rental units, whether residential or non-residential, shall be registered with the Township, using an official form provided by the Township, before any tenant shall occupy such units. The fee for such registration shall be \$10.00 per rental unit. Existing rental units that are already occupied at

the time this chapter is adopted shall be registered within three months of the effective date of this chapter. Any change in ownership, occupancy, or any other information required by this section shall be reported to the Township on a new official registration form within twenty days of such change.

- A. In addition to the identifying information about the building and/or dwelling unit (block, lot, address, unit number, etc.), information provided to the Township on the official registration form shall include the following:
1. The name and address of the owner of record or owners of the premises and the owner of record or owners of the rental business if not the same persons. In the case of a partnership the names of all general partners shall be provided;
  2. If the owner of record is a corporation, the name and address of the registered agent and corporate officers of said corporation;
  3. If the owner of record cannot respond to an emergency or to act on a violation within a reasonable amount of time, provide the address of an agent authorized to accept notices and act on behalf of the owner.
  4. The name and address of the managing agent of the premises, if any;
  5. The name and address, including the dwelling unit, apartment, or room number of the superintendent, janitor, custodian, or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any;
  6. The name, address, and telephone number of an individual representative of the owner of record or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency;
  7. The name and address of every holder of a recorded mortgage on the premises;
  8. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
  9. The name of the tenant or occupant of the rental unit;
  10. The maximum occupancy of the dwelling unit, as determined by this chapter and the Code Enforcement Official.

**§ 183-17. Recurring inspection of one- and two-family dwelling rental units.**

Subsequent to the successful completion of an initial inspection to be scheduled by the Code Enforcement Inspector after the adoption of this chapter, the Code Enforcement Inspector shall

conduct recurring inspections of the interiors, exteriors, and exterior premises of all residential rental units every five years.

- A. The Code Enforcement Inspector shall inform the owner or owner's agent of the date of a pending inspection at least twenty business days in advance.
- B. The owner or owner's agent shall inform any current tenant of the date of a pending inspection at least ten business days in advance.
- C. Fees for these inspections shall be paid at least ten business days before the scheduled inspection, and shall be as follows:
  - 1. Initial inspection and first re-inspection (if required) - \$100.00 per unit.
  - 2. Each additional re-inspection (if required) - \$50.00 per unit.
- D. Inspection results and follow-up procedures:
  - 1. If the dwelling unit passes inspection, the Code Enforcement Official shall issue an approval certificate within five business days.
  - 2. If the dwelling unit fails inspection the Code Enforcement Inspector shall provide a list of all violations to the owner or the owner's agent within five business days. The owner or owner's agent shall have thirty days to correct all violations. When all violations have been corrected, the owner or owner's agent shall schedule a re-inspection.
    - a. If the Code Enforcement Official determines that the violations are such that the dwelling unit must be vacated, the owner or owner's agent shall provide alternate housing for any current tenant without any additional charge to such tenant, until such time as the dwelling unit passes inspection.
- E. Re-occupancy Inspection Log Book (Rentals)
  - 1. The person responsible for renting dwelling units shall maintain a Re-occupancy Inspection Log Book. This log shall be accessible to the Code Enforcement Inspector at all reasonable times and shall be produced within one business day of either an oral or written request by him.
  - 2. This log shall be kept beginning on the first day that this chapter is in effect. Thereafter, it shall be kept current and indicate any change in rental status or tenants. Records shall be kept for no less than two years.

**§ 183.18. Inspection of multiple-family dwelling rental units.**

While regular, recurring inspections of multiple-family dwellings will not be conducted under this chapter, since they are already done by State inspections, multiple-family dwellings are subject to the provisions of this chapter and inspections will be done in response to complaints received by the Township about any issues conditions at multiple-family dwellings that are covered under the provisions of this chapter.

**ARTICLE IV  
CERTIFICATE OF CONTINUED BUILDING COMPLIANCE**

**§ 183-19. Certificate of continued building compliance.**

- A. No owner, agent, realtor or broker, firm, company, partnership, corporation, or any other person shall sell, rent, re-rent, transfer, lease, let, mortgage with right of occupancy, allow re-occupancy, or otherwise dispose of ownership any structure or dwelling unit until either a Certificate of Continued Building Compliance or a Temporary Certificate of Continued Building Compliance has been issued by the Township; and until the Township Water Department has been notified of such change and/or a new water meter has been set. Changes of occupancy in multi-family dwellings shall be exempt from this requirement, as they are subject to Chapter 151 of the Code of Franklin Township.
  - 1. In the event of a resale of a structure in an “as is” condition, a Certificate of non-compliance shall be issued to allow the transfer of title with full disclosure to all parties. No occupancy shall be allowed until structure meets the life safety requirements in effect at the time the structure was built as well as any code or retrofit requirements that may effect the particular structure.
  
- B. The owner or the owner’s agent shall schedule an Inspection for Certificate of Continued Building Compliance no later than ten business days prior to the date of the closing or change of tenant.
  - 1. If a cyclical inspection under Section 183-17 was conducted and passed on the unit within one calendar year before the date of the closing or change of tenant, such inspection may, at the request of the property owner, be used to satisfy the Certificate of Continued Building Occupancy Inspection that is required under this section.
  
- C. Inspection fees shall be as follows:
  - 1. Initial inspection and first re-inspection (if required):
    - a. If scheduled ten or more business days in advance - \$100.00 per unit.
    - b. If scheduled less than ten business day in advance - \$150.00 per unit.
  - 2. Each additional re-inspection (if required):
    - a. If scheduled ten or more business days in advance - \$50.00 per unit.
    - b. If scheduled less than ten business day in advance - \$100.00 per unit.
  
- D. Inspection results and follow-up procedures:
  - 1. If the unit passes inspection, the Code Enforcement Inspector shall issue a Certificate of Continued Building Compliance within five business days. Such certificate shall be valid for ninety days from the date of issue.

2. If the unit fails inspection the Code Enforcement Inspector shall provide the owner or the owner's agent with a list of all violations. The owner or owner's agent shall have thirty days to correct all violations. When all violations have been corrected, the owner or the owner's agent shall schedule a re-inspection. If the Code Enforcement Inspector determines that the violations do not pose a significant threat to the health and/or safety of potential occupants, he shall issue a Temporary Certificate of Continued Building Compliance. Such certificate shall be valid for thirty days. If any and all violations have not been corrected by the end of thirty days, the unit shall be vacated and shall remain so until all violations have been corrected and approved.
  - a. In the case of a Use Group R-3, R-4, or R-5 structure, if the unit does not meet the requirements for smoke detectors and carbon monoxide detectors specified by the Uniform Fire Code (N.J.A.C. 5:70) a Temporary Certificate of Continued Building Compliance shall not be issued until such compliance is achieved. (N.J.A.C. 5:70-2.3(a)1.)
  - b. If the correction of any violation requires the issuance of a Construction Permit such work shall not commence until such permit has been issued. All permitted work shall be inspected and a Certificate of Approval or Occupancy issued by the Construction Official before a re-inspection for the Certificate of Continued Building Compliance may be scheduled.
3. Inspection report forms shall be in triplicate and shall be distributed as follows:
  - a. The original is to be retained by the owner, the owner's agent, or in the case of a change in tenancy person responsible for renting dwelling units;
  - b. One copy is to be retained by the Code Enforcement Inspector; and
  - c. In the case of a resale, the current owner or the owner's agent shall give the second copy to the new owner; and in the case of a change in tenancy, the person responsible for renting dwelling units shall give the second copy to the tenant.

**ARTICLE V  
OCCUPANCY LIMITATIONS**

**§ 183-20. Privacy.**

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

**§ 183-21. Minimum room/area dimensions.**

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

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study, or recreation purposes, that have a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts, and similar obstructions.
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 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 or more shall be included.

**§ 183-22. Floor area and occupant load.**

In all dwelling units there shall be a minimum usable floor area for the initial occupant of 150 square feet and 100 square feet of additional space for each additional occupant, provided, however, that children under the age of two shall not be considered additional occupants.

- A. Kitchens, bathrooms, toilet rooms, and other uninhabitable spaces shall not be included in calculating minimum usable floor area for occupant load.
- B. If there are more than eight occupants in any dwelling unit there shall be a second bathroom in the dwelling unit.
- C. For every two adults occupying a dwelling unit there shall be one off-street parking space.

**§ 183-23. Bedroom requirements.**

- A. In every dwelling unit, every room occupied or intended to be occupied for sleeping purposes by one occupant shall have a minimum usable floor area of 70 square feet and every room occupied or intended to be occupied for sleeping purposes by more than one occupant shall have a usable floor area of at least 50 square feet for each such occupant, provided, however, that children under the age of two shall not be considered to be additional occupants.
- B. The maximum number of occupants in any bedroom shall be four.
- C. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces, unless the unit contains only one bedroom.
- D. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- E. Bedrooms shall comply with all other applicable provisions of this chapter.

- F. All bedrooms shall have a secondary means of egress as required by the Uniform Construction Code (N.J.A.C. 5:23) and the Uniform Fire Code (N.J.A.C. 5:70).

**§ 183-24. Prohibited sleeping areas.**

Kitchens, bathrooms, toilet rooms, and other uninhabitable spaces shall not be used for sleeping purposes.

**§ 183-25. Efficiency unit.**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- A. The maximum number of occupants shall be three.
- B. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items C and D.
- C. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this chapter shall be provided.
- D. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

**§ 183-26. Illegal occupancy resulting in overcrowding.**

In accordance with the following provisions, summonses shall be issued to the owner-landlord and/or the tenants of a residential rental unit in a building containing four or fewer residential rental units for violations of this article that constitute illegal occupancy resulting in overcrowding:

- A. Upon the discovery of an illegal occupancy resulting in overcrowding a notice of violation shall be issued in accordance with Section 183.12.B. In the event the violation is not abated within the period of time provided in the notice, a summons against the owner-landlord, or the tenants, or both shall be issued.
  - 1. If an owner-landlord has issued a notice to cease to eliminate overcrowding or unauthorized occupancy of a residential unit that is the subject of a notice of violation, and the owner-landlord files a copy of the notice to cease and an affidavit of good faith with the Township, no summons shall be issued against an owner-landlord for six months from the date of service of the notice to cease. At the end of that six-month period, if the overcrowding or unauthorized occupancy of the residential unit has not been eliminated, and no eviction proceeding is pending, then a summons may be issued against the owner-landlord.
- B. Upon a determination of illegal occupancy resulting in overcrowding, in addition to any other fine provided by law, fines shall be imposed as follows: up to \$2,500 per day for a first

violation, up to \$5,000 per day for a second violation, and up to \$10,000 per day for each subsequent violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

1. "Second violation" or "subsequent violation" for illegal occupancy resulting in overcrowding shall be limited to those violations that are issued within five-years of a prior violation, are new and are a result of distinct and separate code enforcement activities, and shall not include any continuing violations for which citations are issued by a the Code Enforcement Inspector during the time period required for summary dispossession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction.
- C. A fine shall not be imposed upon an owner-landlord or a tenant unless the parties have been afforded an opportunity for a hearing before a court of competent jurisdiction, allowing for independent determinations of the existence of overcrowding and the responsibility for the overcrowding. In order for it to be determined that a tenant is responsible for the overcrowding, it must be established that: 1.) the tenant signed a lease or was provided a written copy of the rental policy in which the number of allowed occupants was specified, (2.) the number of allowed occupants was within the standards established by the applicable code requirements, or rental policy if a number was specified in the lease, and 3.) any additional occupants in excess of the number of occupants specified became residents of the rental unit without the expressed consent of the owner-landlord. The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the fines provided by this section.
  - D. Fines authorized pursuant to subsection B. of this section may be imposed upon the owner-landlord, or the tenants, or both, dependent upon whether the conduct of the owner-landlord, or the tenants, or both, was the primary cause for the illegal occupancy resulting in overcrowding, provided the provisions of Subsection C. of this section have been met. In order for the conduct of the tenants to be deemed the primary cause for the illegal occupancy, it must be established that: 1.) the tenant signed a lease or was provided a written copy of the rental policy in which the number of allowed occupants was specified, 2.) the number of allowed occupants was within the standards established by the applicable code requirements, or rental policy if a number was specified in the lease, and 3.) any additional occupants in excess of the number of occupants specified became residents of the rental unit without the expressed consent of the owner-landlord.
  - E. Owner-occupied property shall be exempt from the fines authorized pursuant to Subsection B. of this section, except where the owner-landlord of the owner-occupied dwelling is renting rooms or apartments in violation of local ordinances or State law.
  - F. The service of a notice to cease to eliminate overcrowding or unauthorized occupancy no more than six months prior to the service of a summons or notice of violation under this section, whether or not the owner-landlord prevails, shall serve as a defense by the owner-landlord to any summons, notice, violation, action, or proceeding under this section against the owner-landlord before any court or administrative agency.
  - G. This section shall not apply to a seasonal rental unit.
  - H. For the purposes of this section:

1. "Applicable code requirements" means standards governing the occupancy of space adopted by the Department of Community Affairs pursuant to the State Housing Code, P.L.1966, c.168 (C.2A:42-74 et seq.), or the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).
2. "Owner-landlord" shall not include a mortgagee in possession through foreclosure.

**ARTICLE VI**  
**MINIMUM STANDARDS AND REQUIREMENTS FOR PROPERTY AND STRUCTURES**

**§ 183-27. Vacant land and structures.**

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. Preservation areas and property areas maintained in their natural state are exempt from these regulations.

**§ 183-28. Exterior property areas.**

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner of the property shall maintain, in a clean and sanitary condition, the shared or public areas of the property. Occupants shall keep that part of the exterior property that they occupy or control in a clean and sanitary condition. Preservation areas and property areas maintained in their natural state are exempt from these regulations.

- A. **Defacement of property** - No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the property owner to remove and/or repair the damage caused by any such marking, carving, or graffiti.
- B. **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. Approved retention areas and reservoirs are exceptions. 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.
- C. **Illicit Connections** - No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).
- D. **Combustible and flammable materials** - Combustible and flammable materials, including, but not limited to, mulch, shall be located no closer than eighteen inches from any structure used for human habitation. Owner occupied, single-family dwellings shall be exempt from this requirement.
- E. **Weeds** - All premises and exterior property shall be maintained free from weeds or plant

inches. All noxious weeds shall be prohibited.

- F. **Rodent harborage** - All exterior property shall be kept free from rodent harborage and infestation. Where found, rodents shall be exterminated promptly by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- G. **Walkways 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.
- H. **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.
- I. **Accessory structures** - All accessory structures, including, but not limited to, detached garages, sheds, decks, fences, and walls, shall be maintained structurally sound and in good repair.
- J. **Swimming pools** - Swimming pools, hot tubs, and spas shall be maintained in a clean and sanitary condition, and in good repair.
  - 1. Requirements for barriers for swimming pools, hot tubs, and spas that are 24 inches or more in depth, have a surface area of 250 square feet or more, and/or include a filter shall conform to the regulations of the Uniform Construction Code (N.J.A.C. 5:23).
- K. **Motor vehicles** - No inoperable or unregistered motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless it is stored inside a permanent structure.
  - 1. A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
  - 2. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- L. **Parking** - Motor vehicles and trailers designed to carry motorized or non-motorized vehicles shall be parked only on driveways or designated parking areas made of blacktop, concrete, or stone that appear on an approved survey or site plan of the property. Areas of soil, grass, or other vegetation shall not be used for parking.

#### § 183-29. Exterior of structures.

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.

- A. **Structural members** - All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

- B. **Protective treatment of surfaces** - All exterior surfaces shall be maintained in good condition and be properly weatherproofed to prevent deterioration. All wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- C. **Foundation walls** - All foundation walls shall be maintained plumb, free from open cracks and breaks, and kept in such condition so as to prevent the entry of rodents and other pests.
- D. **Exterior walls** - All exterior walls shall be maintained free from holes, breaks, and loose or rotting materials; and shall be maintained weatherproof and properly surface coated, where required, to prevent deterioration.
- E. **Roofs and drainage** - Roof areas 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.
- F. **Overhang extensions** - All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be properly anchored and maintained in good repair and be so as to be safe and sound.
- G. **Chimneys and towers** - All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair.
- H. **Stairs, decks, porches, and balconies** - Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be properly anchored, structurally safe and sound, capable of supporting the imposed loads, and maintained in good repair.
- I. **Guards and handrails** - All exterior guards and handrails shall be required and constructed in conformance with the regulations of the Uniform Construction Code (N.J.A.C. 5:23); and shall be firmly fastened, capable of supporting normally imposed loads, and maintained in good condition.
- J. **Doors, windows, and skylights** - Every door, window, skylight, and frame thereof shall be maintained in sound condition, good repair, and weather tight.
  - 1. All exterior doors, door assemblies, and hardware shall be maintained in good working condition. Locks at all entrances to dwelling units, rooming units, and guestrooms shall tightly secure the door. Locks on means of egress doors shall be readily able to be opened from the side from which egress is to be made without the need for keys, special knowledge, or effort.

2. All glazing materials shall be maintained free from cracks and holes.
  3. Every openable window shall operate easily and have the capability of being held in position by window hardware.
  4. Every door, window, and other outside opening required for ventilation of habitable rooms 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.
  5. Every openable basement window shall be supplied with rodent shields, storm windows, or other approved protection against the entry of rodents.
  6. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.
- K. **Decorative elements** - All belt courses, corbels, cornices, terra cotta trim, wall facings, and similar decorative features shall be properly anchored and maintained in good repair and a safe condition.
- L. **Premises Identification** - 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 4 inches high with a minimum stroke width of 0.5 inch.

### § 183-30. Building security.

Doors, windows, or basement hatchways for dwelling units, room units, or housekeeping units that are rented, leased, or let shall be provided with devices designed to provide security for the occupants and property within.

- A. **Doors** – All doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a deadbolt lock. Such deadbolt lock shall have a lock throw of not less than 1 inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer’s specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable from inside the dwelling unit, rooming unit, or housekeeping unit without the use of a key, tool, combination thereof, or any other special knowledge or effort.
- B. **Windows** – All operable windows that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with window sash locking devices.
- C. **Basement hatchways** – All basement hatchways that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

### § 183-31. Interior of structures.

The interior of a structure and equipment therein shall be maintained structurally sound, in good repair, and in a sanitary condition. The owner of a structure containing a rooming house, housekeeping units, 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. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition.

- A. **Structural members** - All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- B. **Interior surfaces** - All interior surfaces shall be maintained in a clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- C. **Stairs and walking surfaces** - Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in a safe and sound condition and in good repair.
- D. **Handrails and guards** - All interior guards and handrails shall be required and constructed in conformance with the regulations of the Uniform Construction Code (N.J.A.C. 5:23); and shall be firmly fastened, capable of supporting normally imposed loads, and maintained in good condition.
- E. **Interior doors** - Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.
  - 1. Keyed locks, when installed to use a room or area of a dwelling unit as a rooming unit and/or to convert such dwelling unit into a rooming house, are prohibited.
- F. **Additional Kitchens** - The installation or construction of an additional kitchen in any dwelling unit for the purpose of converting such unit into a rooming house or creating another dwelling unit without approval of the Township is strictly forbidden.

#### **§ 183-32. Rubbish and garbage.**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

##### **A. Disposal of rubbish**

- 1. The owner or occupant of every occupied premises shall supply a sufficient quantity of approved covered containers for rubbish and shall be responsible for the removal of such rubbish.
- 2. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner

by placing such rubbish in approved containers.

3. Refrigerators and similar equipment not in operation shall have their doors removed and shall be discarded.
4. No person shall sweep, rake, blow, or otherwise place yard waste that is not containerized into any street. Should un-containerized yard waste be placed in a street, the party responsible for doing so shall be required to remove such yard waste.

**B. Disposal of garbage.**

1. The owner of every property producing garbage shall supply, and at all times cause to be utilized, approved, durable, leak-proof, outside garbage containers with tight-fitting covers for the storage of such materials until removed from the premises for disposal, in a sufficient quantity for the number of occupants thereof.
2. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in approved garbage containers as described in number 1 above.

**§ 183-33. Infestation and extermination.**

The owner of any structure shall be responsible to ensure that such structure shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**ARTICLE VII  
LIGHT AND VENTILATION REQUIREMENTS**

**§ 183-34. Light requirements.**

- A. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. However, where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being illuminated.
- B. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60 watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11lux) at floors, landings, and treads.

- C. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space, and utilization of the appliances, equipment, and fixtures.
- D. In lieu of the means for natural light herein prescribed, artificial light complying with the provisions of the Uniform Construction Code (N.J.A.C. 5:23) shall be permitted.

**§183-35. Ventilation requirements.**

- A. Every habitable space shall have at least one openable window. The total openable area of such window in any and every room shall be equal to at least 45 percent of the minimum glazed area required in Section 183-32.A. However, where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
- B. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 183-33.A, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- C. Cooking shall not be permitted in any rooming unit or dormitory unit, nor shall a cooking facility or appliance be permitted to be present in a rooming unit or dormitory unit, unless an approved ventilation system is installed and in operation.
- D. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions and/or the provisions of the New Jersey Edition of the International Mechanical Code.
- E. In lieu of the means for natural ventilation herein prescribed, mechanical ventilation complying with the provisions of the Uniform Construction Code (N.J.A.C. 5:23) shall be permitted.

**ARTICLE VIII  
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

**§ 183-36. Required facilities.**

- A. Every occupied structure shall be provided with plumbing facilities, fixtures, and systems that are compliant with the plumbing regulations that were in effect when the structure was built, altered, or repaired, and that shall be maintained in a safe, sanitary, and good operating condition.
- B. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary and 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. A kitchen

sink shall not be used as a substitute for the required lavatory.

- C. At least one water closet, lavatory, and bathtub or shower shall be supplied for each four rooming units.
- D. A minimum of one water closet, one lavatory, and one drinking facility shall be available to employees.

**§ 183-37. Toilet rooms.**

- A. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door equipped with an interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
- B. Toilet rooms and bathrooms serving, rooming units, dormitory units, or housekeeping units, shall have access from a common hall or passageway and by traversing not more than one flight of stairs.
- C. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

**§ 183-38. Plumbing systems and fixtures.**

- A. All plumbing fixtures shall be properly installed, maintained in working order, kept free from obstructions, leaks, and defects, capable of performing the functions for which they are designed, and maintained in a safe and sanitary condition.
- B. Plumbing fixtures shall have adequate clearances for usage and cleaning.
- C. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard.

**§ 183-39. Water systems.**

- A. 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.
- B. 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.
- C. The water supply system shall be installed and maintained and 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.

- D. 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 120°F. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**§ 183-40. Sanitary drainage systems.**

- A. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- B. Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

**ARTICLE IX  
MECHANICAL REQUIREMENTS**

**§ 183-41. Heating facilities.**

- A. Every occupied structure shall be provided with heating and mechanical facilities, fixtures, and systems that are compliant with the mechanical regulations that were in effect when the structure was built, altered, or repaired, and that shall be maintained in a safe and good operating condition.
- B. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F from 6 a.m. to 11 p.m. and 65°F from 11 p.m. to 6 a.m. in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- C. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.
- D. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

**§ 183-42. Mechanical equipment.**

- A. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed, maintained in a safe working condition, and capable of performing the functions for which they are intended.
- B. Unless labeled for unvented operation all fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

- C. All required clearances to combustible materials shall be maintained at all times.
- D. All safety controls for fuel-burning equipment shall be maintained in effective operation.
- E. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for all fuel-burning equipment.
- F. Devices intended 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.

**§ 183-43. Duct systems.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

**§ 183-44. Elevators, escalators, and dumbwaiters.**

Elevators, escalators, and dumbwaiters shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

- A. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. However, buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**ARTICLE X  
ELECTRICAL REQUIREMENTS**

**§ 183-45. Electrical facilities.**

- A. Every occupied structure shall be provided with electrical facilities, fixtures, and systems that are compliant with the electrical regulations that were in effect when the structure was built, altered, or repaired, and that shall be maintained in a safe and good operating condition.
- B. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the provisions of the Uniform Construction Code (N.J.A.C. 5:23). Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having an ampere rating that is adequate for the intended load, as determined by the Code Enforcement official.
- C. 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 receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard.

**§ 183-46. Electrical equipment.**

- A. All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.
- B. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every bathroom shall contain at least one receptacle outlet
- C. In the event of a change of occupancy any kitchen receptacle outlet that serves countertop surfaces, any bathroom receptacle outlet, and/or any receptacle outlet in a laundry area that is within six feet of the edge of a sink that does not currently provide ground-fault circuit interrupter protection shall be upgraded to provide such protection. Any new kitchen receptacle outlet that serves countertop surfaces, any new bathroom receptacle, and/or any new receptacle outlet in a laundry area that is within six feet of the edge of a sink outlet shall provide ground-fault circuit interrupter protection.
- D. Every public hall, interior stairway, kitchen, toilet room, bathroom, laundry room, boiler room, and furnace room shall contain at least one electric lighting fixture.

**ARTICLE XI  
FIRE SAFETY REQUIREMENTS**

**§ 183-47. Means of egress.**

- A. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the provisions of both the Uniform Fire Code (N.J.A.C. 5:70) and the Uniform Construction Code (N.J.A.C. 5:23). The required width of aisles in accordance with said Code shall be unobstructed.
- B. 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.
- C. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction and shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

**§ 183-48. Fire-resistance ratings.**

- A. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions, and floors shall be maintained.
- B. All required opening protectives and fire and smokestop doors shall be equipped with UL listed door closures and shall be maintained in an operative condition. Fire doors and smoke barrier doors shall not be blocked, obstructed, or otherwise made inoperable.

**§ 183-49. Fire protection systems.**

- A. All systems, devices, and equipment to detect a fire, actuate an alarm, suppress or control a fire, or any combination thereof shall be maintained in an operable condition at all times and be in accordance with the provisions of the New Jersey Uniform Fire Code (N.J.A.C. 5:70).
- B. Single or multiple-station smoke alarms shall be installed in all “R” Use Groups and in all other use groups where they are required by either the Uniform Construction Code (N.J.A.C. 5:23) or the Uniform Fire Code (N.J.S.A. 5:70), in accordance with the requirements that were in effect at the time the current Certificate of Occupancy was issued, and shall be maintained in an operative condition at all times.

**SECTION III**

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

**SECTION IV**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

**SECTION V**

This ordinance shall take effect immediately upon adoption and publication according to law.

**ORDINANCE NO. 3778**

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: July 8, 2008  
Public Hearing: August 12, 2008  
Tabled: August 12, 2008  
Amended: February 10, 2009  
Adoption:  
Published:  
Effective Date:

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Ann M. McCarthy, Township Clerk