

Chapter 254

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[HISTORY: Adopted by the Council of the City of Jersey City 5-4-1971 as Ch. 13 of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128. Amendments noted where applicable.]

GENERAL REFERENCES

Handbills and littering — See Ch. 81.
 Numbering of buildings — See Ch. 108.
 Certificates of occupancy — See Ch. 119.
 Uniform construction codes — See Ch. 131.
 Fees and charges — See Ch. 160.
 Housing accommodations — See Ch. 188.
 Multiple dwellings — See Ch. 218.
 Noise — See Ch. 222.
 Paint stripping — See Ch. 233.

Graffiti — See Ch. 242, Art. II.
 Disclosure of presence of lead-based paint — See Ch. 257.
 Retail and commercial premises — See Ch. 263.
 Security gates — See Ch. 278.
 Solid waste collection and removal; recycling — See Ch. 287.
 Snow and ice removal; use of streets and sidewalks — See Ch. 296.
 Trees — See Ch. 321.

**ARTICLE I
General Provisions**

§ 254-1. Title.

This chapter may be cited as the “Property Maintenance Code” and may be referred to herein as “this chapter.”

§ 254-2. Findings.

A. It is hereby found and declared that there are located within the city buildings used for residential and nonresidential purposes which have become or are becoming substandard with respect to structure, equipment, maintenance, occupancy, sanitation or use; and it is further declared that such conditions, which include but are not limited to lack of maintenance of exterior or interior of premises, faulty design, construction or installations, lack of proper sanitary facilities, fire or accident hazards, unsanitary conditions, infestation or overcrowding, have made these buildings either unfit for human habitation, occupancy or use or so deteriorated, dilapidated, dangerous, unsanitary, neglected or over-occupied as to jeopardize or be detrimental to the health, morals, safety or welfare of the people of the city. It also is recognized that to make housing more livable we must have homemaking and other social services as well as enforcement of the Property Maintenance Code’s physical standards.

- B. It is further found and declared that, among other reasons, because of lack of maintenance and progressive deterioration, certain properties have become blighted and have had the further effect of causing blighting conditions within the city that have necessitated an excessive and disproportionate expenditure of public funds for health, fire protection, public safety, welfare and other public services. However, it is further found and declared

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that through appropriate regulations and restrictions, as herein contained, the growth of blight and blighting conditions can be curbed or prevented and neighborhood and property values thereby maintained, the appearance and amenities of properties and neighborhoods can be enhanced and the public health, safety and welfare protected and fostered.¹

§ 254-3. Purpose; other standards.

- A. The purpose of this Property Maintenance Code is to protect the public health, safety, morals and welfare and to eliminate and to prevent the spread of property and neighborhood deterioration and blight by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities and facilities of dwellings and other physical components and conditions in dwellings and nonresidential buildings essential to make the same fit for human habitation, occupancy or use; to fix certain responsibilities and duties upon owners and managers and distinct and separate responsibilities and duties upon occupants; to require the licensing and regulation of all boardinghouses and lodging houses; to authorize and establish procedures for the inspection of residential and nonresidential premises and for the general administration and enforcement of this chapter; to provide for the vacation and repair or demolition of premises unfit for human habitation or occupancy or use; to provide for the right of access across adjoining premises to permit repairs; and to fix penalties for violations of this chapter. This Property Maintenance Code is hereby declared to be remedial and essential for the public interest and it is intended that it be liberally construed to effectuate the purposes as stated herein.
- B. The New Jersey State Housing Code, as amended from time to time, N.J.A.C. 5:28-1 et seq., is hereby adopted by reference as a supplement to the Jersey City Property Maintenance Code subject to the condition that the Jersey City Property Maintenance Code shall apply whenever it contains a standard more stringent than that contained in the New Jersey Housing Code. [Added 4-28-1993 by Ord. No. 93-038]

§ 254-4. Definitions.

As used herein, the following terms shall have the meanings indicated:

ACCESSORY BUILDING — A structure, the use of which is incidental to that of the main building and which is attached to the main building or located on the same premises.

ALTERATION — A change or rearrangement in the structural parts or exit facilities of a structure; or an enlargement thereof, whether done by extending on a side or by increasing the height; or the moving thereof from one location or position to another; or a change in use or occupancy thereof from one use group to another of different legal requirements.

AREA INSPECTION — Systematic property-to-property, block-to-block inspection of 10 or more premises within an area designated by the city through its Division of

¹ Editor's Note: Original Subsection (c), which followed this subsection and dealt with boardinghouses and lodging houses, was deleted 6-14-1995 by Ord. No. 95-050.

Construction Code Official and its Division of Planning for concentrated area code enforcement in order to implement neighborhood maintenance, rehabilitation or urban renewal programs of the city. [Amended 8-13-1997 by Ord. No. 97-052]

BASEMENT — That portion of a building which is partly below and partly above grade, but has more than 1/2 of its height, measured vertically from clear floor to ceiling, above the average level of the adjacent finished grade.

BATHROOM — An enclosed space containing at least one lavatory, one toilet and one bathtub or one shower.

BUILDING — Any structure designed or used for the housing, shelter, enclosure and/or support of individuals, animals or property of any kind and any appurtenances or outhouses belonging thereto or used therewith or for mixed use as defined herein.

BUILDING CODE — The Building Code of the City of Jersey City.²

CELLAR — That portion of a building which is partly or wholly below grade and has one-half (1/2) or more of its height, measured vertically from clear floor to ceiling, below the average level of the adjacent finished grade.

CENTRAL HEATING SYSTEM — The main heat appliance and accessory components serving all residential and nonresidential units in a building wherein the main appliance is located in a fire-resistant enclosed space or spaces rated adequate under the provisions of the Building Code in Chapter 131 and separate and apart from the area to be heated, is affixed permanently on a fireproof base and is connected to a listed venting system as required by the Building Code.

CHIEF — The executive official in charge of the Division of Construction Code Official or his or her authorized representative. [Amended 8-13-1997 by Ord. No. 97-052]

CODE — The Code of the City of Jersey City (1995) or the Jersey City Code (1995). [Amended 6-14-1995 by Ord. No. 95-050]

COMMUNITY KITCHEN — A room or part of a room in which food and drink are cooked or prepared, whose use is shared by occupants of one or more rooming units, two or more dwelling units or any combined number of rooming units and dwelling units. A "community kitchen" may be used in conjunction with one or more furnished apartments, provided that the cooking unit shall not consist of more than four burners and one oven in each such installation.

DETERIORATING — A condition which necessitates more repair than would be provided in the course of regular maintenance because of the existence of one or more intermediate defects which will lead to more serious damage or danger if not corrected.

DILAPIDATED — An unsafe or inadequate condition because of one or more critical defects or a combination of intermediate defects in sufficient number to require extensive repair or rebuilding or because of inadequate original construction.

² Editor's Note: See Ch. 131, Construction Codes, Uniform.

DIRECTOR — The chief administrative officer of the Division of Construction Code Official. [Amended 8-13-1997 by Ord. No. 97-052]

DISABLED PERSON — Any person who by reason of a physical or mental condition is not sufficiently ambulatory or otherwise is unable to reach or use the two means of egress most accessible to his or her living quarters without assistance and with reasonable facility or who is unable to attend to daily personal and bodily needs.

DORMITORY — A building or portion thereof maintained and operated by a college, monastery, trucking company, railroad company or other person wherein there is one room which contains more than one bed, or there is a series of independent sleeping rooms which are rented or which are intended for rent, or for which a fee is charged, or the beds or rooms are used by and for employees. A railroad bunk room is included in this definition.

DWELLING — Any occupied or vacant house, building or portion thereof designed or intended for use as a permanent or transient residence for humans.

DWELLING UNIT — Any room or group of rooms located within a dwelling arranged for the use of one or more individuals as a single housekeeping unit, and includes cooking, living, sanitary and sleeping facilities.

EMANCIPATED MINOR — Any person under the age of 18 who is gainfully employed and self-supporting or who is married to a spouse who is gainfully employed and who supports said minor or who is a student living away from home and in regular attendance at an institution of higher learning. [Amended 6-14-1995 by Ord. No. 95-050]

ESTABLISHMENT SUBJECT TO LICENSING — Any boardinghouse or lodging house, including nursing homes, hotels, motels, tourist homes, furnished apartments, dormitories, fraternity and sorority houses, which is required to be licensed to operate as such pursuant to § 254-82 under the provisions of this chapter.

EXPOSED TO PUBLIC VIEW — Any premises or building or any part of either which may be lawfully viewed by the public from a sidewalk, street or alleyway or from any adjoining or neighboring premises.

EXTERMINATION — The control and elimination of insects, rodents or other pests by removing their harborage places; by removing or making inaccessible food, dirt, waste or other materials that may serve as their food; by trapping or fumigating or by poisoning or spraying with effective insecticides, pesticides or rodenticides; or by other approved legal means of pest elimination.

FAMILY — The head of the family, the spouse, if any, and the parents and children (including foster or adopted children, if any) of either the head of the family or spouse or of both of them.

FIELD REPRESENTATIVE — The authorized representative of the Chief of the Division of Construction Code Official, Department of Housing, Economic Development and Commerce, who is assigned to inspect residential and nonresidential buildings and premises. [Amended 8-13-1997 by Ord. No. 97-052]

FIRE HAZARD:

- A. Any device or condition likely to cause fire and which is so situated as to endanger either persons or property.
- B. Any use of combustible or explosive material or any accumulation or storage thereof that is sufficient in amount or so located as to put either persons or property in jeopardy if ignited.
- C. Any obstruction to or of fire escapes, ladders usable as means of egress, stairways, aisles, passageways, halls, windows or doors likely, in the event of a fire, to interfere with the egress of occupants or the operations of the Fire Department.
- D. The violation of any rule now or hereafter promulgated by the Fire Department.

FLOOR AREA, NET — The total floor area within the enclosing walls of a room minus the space occupied by built-in cabinets, closets or wardrobes, kitchen units or fixtures which are not readily movable and minus any floor space where the floor-to-ceiling height is less than seven feet.

FURNISHED APARTMENT — More than one room furnished, with or without a cook stove, and rented to transients or permanent guests.

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

GUEST ROOM — A room which is occupied, or is intended, arranged or designed to be occupied, for sleeping purposes by one or more guests. This definition includes rooms hired out, furnished or unfurnished, and also includes any room arranged for or used for sleeping purposes by an employee as a condition of employment or for an accommodation on a contractual basis. This definition does not include sleeping rooms used by the owner or his or her immediate family.

HABITABLE ROOM — A room or enclosed floor space in a basement, first or upper story used or designed for use for living, eating or sleeping purposes; but does not include bathrooms, toilet rooms, laundries, closets, pantries, foyers, corridors, cellars, heater rooms, boiler rooms, utility rooms or any room whose net floor area is less than 50 square feet.

HOTEL — As defined in the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A).
[Amended 6-14-1995 by Ord. No. 95-050]

HOUSE — As used in all articles of this chapter, a private dwelling, apartment house or other places of human habitation, and, as used in Article XIX, it also means office building, store or any building whatsoever or any lot used for business purposes.

HOUSING INSPECTOR — See definition of “field representative.”

IMMEDIATE FAMILY — A family unit which consists of the family head, spouse, child or children and father and mother of either or both spouses. These terms are synonymous with the terms “single family,” “family” and “family unit.”

INCIDENTAL COOKING — The use of cooking facilities which contain no more than two approved plates or two vented gas burners not exceeding six inches in diameter.

INFESTATION — The presence of insects, rodents, vermin or other pests within or around any building.

KITCHEN — Any room or part of a room used for the preparation or cooking of food.³

MANAGER — Any person who has charge, care or control of any building or premises or a part thereof in which any part is rented or for rent with or without the knowledge and consent of the owner.

MIXED USE — Any building containing one or more dwelling units or rooming units and also having a portion thereof used for nonresidential purposes.

MOTEL — As defined in the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-3).
[Amended 6-14-1995 by Ord. No. 95-050]

MULTIPLE DWELLING — Any dwelling containing more than two dwelling units.

NONRESIDENTIAL — Any property and premises or portions thereof, as, for example, business, industrial or storage buildings, which are used for purposes other than dwellings for the habitation of humans.

NUISANCE:

- A. Any public nuisance shown as public law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the City of Jersey City, including this chapter.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children located in a building, on the premises of a building or upon an unoccupied lot, including but not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors or others.
- C. Physical conditions dangerous to human life or detrimental to the health of persons who are on or near the premises where the conditions exist.
- D. Overcrowding of a room or dwelling unit with occupants in violation of this chapter.
- E. Insufficient ventilation or illumination in violation of this chapter.
- F. Inadequate or insanitary sewage or plumbing facilities in violation of this chapter.
- G. Insanitary conditions or anything offensive to the senses or dangerous to health in violation of this chapter.
- H. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- I. Fire hazards.

³ Editor's Note: The definition of "lodging house," which immediately followed this definition, was deleted 6-14-1995 by Ord. No. 95-050.

OCCUPANT — Any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit, or any person who works on the premises for any business located thereon.

OCCUPIABLE ROOM — A room or enclosed space designed for human occupancy in which large numbers of individuals congregate for amusement, educational, religious or similar purposes or in which occupants are engaged at labor; and which is equipped with exit, light and ventilation facilities specified in the applicable requirements of this chapter.

ONE-FAMILY DWELLING — Any dwelling containing only one dwelling unit or one dwelling unit and two rooming units with sufficient space and sleeping accommodations for only one person in each rooming unit and with or without incidental cooking facilities.

OWNER — Any person alone or jointly or severally with others:

- A. Who has legal or equitable title to any premises, with or without accompanying actual possession thereof;
- B. Who has equitable title and is either in actual possession or collects rents therefrom;
- C. Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging house; or any such person thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules and regulations adopted pursuant thereto to the same extent as if they were the persons holding the legal or equitable title; or
- D. Who is a lessee or assignee subletting or assigning any part or all of any dwelling, all of whom under this chapter shall have joint responsibility over the portion of the premises sublet or assigned.

PARTIES IN INTEREST — All individuals, associations and corporations who have interests of record in a building or lands and any who are in actual possession thereof.

PERSON REQUIRING SPECIAL CARE — Any person who does not suffer from such physical or mental incapacity as to be classified as a disabled person, but by reason of physical or mental limitations or advanced years does require a limited degree of care and attention to assure personal safety at all times.

PLUMBING — Includes all of the following supplied facilities and equipment: bathtubs, catch basins, drains, garbage disposal units, gas pipes, installed clothes-washing machines, installed dishwashers, installed gas clothes dryers, lavatories, showers, toilets, vents, waste pipes, water pipes and any other supplied plumbing fixtures, together with all connections to gas, sewer or water lines and water pipes, the lines or pipes themselves and lines utilized in conjunction with air-conditioning equipment.

PREMISES — A lot, plot or parcel of land, including any and all buildings and structures thereon.

PROVIDED or SUPPLIED — Furnished, supplied, paid or under the control of the owner or manager or his or her designee.

