

NEW JERSEY STATE HOUSING CODE
1980 Revision



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF HOUSING
CN 800
TRENTON, NEW JERSEY 08625

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INTRODUCTION

The original New Jersey State Housing Code was drafted by an inter-departmental committee which began work in early 1960. The code was filed with the Secretary of State on January 31, 1962 and was thereafter available for adoption by reference by all municipalities in the State, pursuant to N.J.S.A. 40:49-5.1 et seq.

The State Housing Code was intended to provide minimum standards applicable to dwellings of all sizes in all municipalities. It has proved to be a valuable tool in safeguarding and upgrading the existing housing stock in the State and, with respect to hotels and multiple dwellings, it has enabled municipalities to supplement the work of the Bureau of Housing Inspection under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.). The scope of the multi-family housing problem is such that the strongest possible enforcement is needed on both the State and local levels. Since there is no State enforcement with respect to one- and two-unit dwellings, local enforcement there is all the more important.

A slightly modified version of the State Housing Code was filed with the Secretary of State on July 25, 1966 in response to P.L. 1966, C.168 (N.J.S.A. 2A:42-74 et seq.), which required the then-existing bureau of Housing in the Department of Conservation and Economic Development to promulgate a State Housing Code to be effective in municipalities adopting ordinances under the statute.

Nearly two decades have passed since the State Housing Code was drafted. While most of the original Code is still adequate as a basic housing code, the Division of Housing has found that certain changes are necessary in order to avoid conflict with the Uniform Construction Code and the Regulations for the Maintenance of Hotel and Multiple Dwellings. Accordingly, the "New Jersey State Housing Code (1980 Revision)", has been filed with the Secretary of State and is now available for adoption by ordinance. Note that the revised Code does not automatically supersede the 1962 or 1966 Code in any municipality in which either of these is now in effect. Rather, a new adopting ordinance is needed.

The Division of Housing stands ready to provide whatever technical assistance may be required by municipalities wishing to adopt the revised Code.

Department of Community Affairs
Joseph A. LeFante, *Commissioner*

Division of Housing
Philip B. Eaton, *Director*

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NEW JERSEY STATE HOUSING CODE
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Section 1

SCOPE

The provisions of this Code shall constitute the standards to guide the Public Officer or his agents in determining the fitness of a building for human habitation, use, or occupancy.

Section 2

DEFINITIONS

The words, terms or phrases listed below for the purpose of this Code shall be defined and interpreted as follows:

2.1 "Administrative Authority" shall mean the department, branch or agency of this municipality which is authorized by the adopting ordinance to administer the provisions of this Code.

2.2 "Building" shall mean any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenance belonging thereto or usually enjoyed therewith.

2.3 "Dwelling" shall mean a building or structure or part thereof containing one or more dwelling units or lodging units.

2.4 "Dwelling Unit" shall mean any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating.

2.5 "Garbage" shall mean the animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

2.6 "Habitable Room" shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

2.7 "Infestations" shall mean the presence, within or around a building, of any insects, rodents, or other pests.

2.8 "Local Health Agency" shall mean any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health program pursuant to law.

2.9 "Lodging House" shall mean any building, or that part of any building containing one or more lodging units, each of which is rented by one or more persons not related to the owner.

2.10 "Lodging Unit" shall mean a rented room or group of rooms, containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

2.11 "Occupant" shall mean any person or persons in actual possession of, and living in the building or dwelling unit, including the owner.

2.12 "Owner" shall mean any person properly authorized to exercise powers of, or for an owner of property for purposes of its purchase, sale, use, occupancy, or maintenance.

2.13 "Person" shall be given the same meaning as defined in R.S. 1:1-2 of the Revised Statutes of New Jersey.

2.14 "Plumbing Fixtures" shall mean and include all installed receptacles or devices which are supplied with water or which receive or discharge liquid waste or sewage into the drainage system with which they are directly or indirectly connected.

2.15 "Public Officer" shall mean the officer or officers who are authorized by the adopting Ordinance to exercise powers prescribed by this Code.

2.16 "Rubbish" shall mean and include all combustible and noncombustible waste material, except garbage.

2.17 "Utilities" shall mean and include electric, gas, heating, water and sewerage services, and equipment therefor.

Section 3

WATER SUPPLY

3.1 Every dwelling unit and lodging house shall be provided with a safe supply of potable water meeting the standards as set forth in the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-1 et seq.) published by the New Jersey Department of Environmental Protection.

3.2 The source of such water supply shall be approved by the New Jersey Department of Environmental Protection and/or the local health agency.

3.3 The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall be not less than one gallon per minute.

Section 4

FACILITIES

4.1 Every dwelling unit shall contain a kitchen sink of nonabsorbent impervious material, at least one flush type water closet, a lavatory, and a bathtub or shower, available only for the use of the occupants of that dwelling unit.

4.2 Every lodging house shall be provided with a minimum of one flush type water closet, lavatory, and a bathtub or shower for every eight persons or part thereof.

4.3 Every water closet, lavatory, and bathtub or shower for each dwelling unit or lodging house shall be accessible from within the building without passing through any part of any other dwelling unit or lodging unit and in a lodging house shall be located no farther than one floor above or below the lodging units served. Such water closet, lavatory and bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors, or partitions that afford privacy.

4.4 Every plumbing fixture shall be connected to water and sewer systems approved by the New Jersey Department of Environmental Protection and/or the local health agency, and shall be maintained in good working condition.

4.5 Every kitchen sink, lavatory, and bathtub or shower required by this Code shall be connected to both hot and cold water lines.

4.6 Every dwelling shall have water heating facilities which are installed and maintained in good and safe working condition, connected with the hot water lines required under the provisions of subsection 4.5 of this Code, and capable of delivering water at a minimum temperature of not less than 120 degrees Fahrenheit and at a maximum temperature of not more than 160 degrees Fahrenheit at all times in accordance with anticipated need .

Section 5

GARBAGE AND RUBBISH STORAGE

5.1 Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight-fitting covers. At least one approved type garbage receptacle shall be provided for each dwelling unit, in accordance with subsection 12.9 of this Code.

5.2 Rubbish shall be stored in receptacles of metal or other approved material. At least one rubbish receptacle shall be provided for each dwelling unit, in accordance with subsection 12.9 of this Code.

Section 6

LIGHTING

6.1 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be 8 percent of the floor area of such room. Whenever walls or other portions of structures face a window of any habitable room and are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimum total window area.

6.2 Every dwelling shall be provided with electric service.

6.3 Every habitable room shall contain at least two separate wall type electric convenience outlets, or one such convenience outlet and one ceiling or wall type electric light fixture. Every such outlet and fixture shall be maintained in good and safe condition, and shall be connected to the source of electric power. No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, and which do not lie under rugs or other floor coverings, nor extend through doorways, transoms, or other openings through structural elements.

6.4 Every portion of each staircase, hall, cellar, basement, landing, furnace room, utility room, and all similar non-habitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (2 foot-candles) in the darkest portions.

6.5 Every portion of any interior or exterior passageway or staircase common to two or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (2 foot-candles) in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two dwelling units such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.

6.6 Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three lumens per square foot (3 foot-candles). Such light shall be measured 36 inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.

Section 7

VENTILATION

7.1 Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least fifty percent of the minimum window area or minimum skylight area as required in subsection 6.1 of this Code, or by other means acceptable to the Administrative Authority which will provide at least two air changes per hour.

7.2 Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least fifty percent of the minimum window area or minimum skylight area as required in subsection 6.1 of this Code, or by other means acceptable to the Administrative Authority which will provide at least six air changes per hour.

Section 8

HEATING EQUIPMENT

8.1 Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room.

8.2 Every space heater, except electrical, shall be properly vented to a chimney or duct leading to outdoors. Unvented portable space heaters, burning solid, liquid, or gaseous fuels, shall be prohibited.

Section 9

EGRESS

9.1 Every dwelling, dwelling unit, or lodging unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.

9.2 A room used for sleeping purposes under the provisions of subsection 11.4 of this Code shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.

9.3 There shall be not fewer than two independent exits remote from each other from every floor of a building greater than two stories in height having more than two dwelling and/or lodging units.

Section 10

MAINTENANCE

10.1 Every foundation, floor, wall, ceiling, door, window, roof, or other part of a building shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted.

10.2 Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly banistered and safely balustraded.

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

10.4 Every roof, wall, window, exterior door, and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.

10.5 Every foundation, floor, and wall of a dwelling shall be free from chronic dampness.

10.6 Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the local health agency. Rodent and vermin extermination shall be carried out in accordance with subsection 12.11 of this Code. Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1st until October 1st of each year. Such screens shall have a mesh of not less than No. 16.

10.7 Every building, dwelling, dwelling unit and all other areas of the premises shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.

10.8 The Public Officer may order the owner to clean, repair, paint, whitewash, or paper such walls or ceilings, when a wall or ceiling, within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled, or the plaster, wallboard, or other covering has become loose or badly cracked or missing. Nothing in this subsection shall be so construed as to place upon the nonresident owner responsibilities for cleanliness contained in subsection 12.6 of this Code.

10.9 Every water closet compartment floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to water so as to permit such floor to be kept in a clean condition.

Section 11

USE AND OCCUPANCY OF SPACE

11.1 Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

11.2 Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

11.3 At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet. The floor area of that part of any room where the ceiling is less than 5 feet shall not be considered as part of the floor area in computing the total floor area if the room for the purpose of determining the maximum permissible occupancy thereof.

11.4 A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floor thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Administrative Authority; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

Section 12

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

12.1 No owner or occupant shall cause any services, facilities, equipment, or utilities which are required under this Code to be removed from, shut off, or discontinued in any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is authorized by the Public Officer. In the event that any service or utility which the owner has agreed to supply is discontinued, the owner shall take immediate steps to cause the restoration of such service or utility.

12.2 The owner of a dwelling located in an area found by the Public Officer to be infested by rats, insects, or other vermin shall carry out such rat stoppage, vermin proofing, or other means of preventing infestations of said dwellings as may be required by the local health agency.

12.3 No owner shall occupy or let to an occupant any vacant dwelling unit or lodging unit unless it is clean and sanitary.

12.4 Every owner of a dwelling containing two or more dwelling units or lodging units shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwellings and premises thereof.

12.5 It shall be the responsibility of the owner, unless otherwise provided for under lease agreement, to provide for the orderly maintenance of the premises. The storage of objects or materials not covered in subsections 12.7 and 12.8 of this Code, or not otherwise prohibited by municipal ordinance shall be done in an orderly manner so as to not constitute a health, safety, or fire hazard.

12.6 Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the dwelling which he occupies and controls.

12.7 Every occupant of a dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, by placing it in the garbage disposal facilities or garbage storage receptacles required by subsection 5.1 of this Code.

12.8 Every occupant of a dwelling unit shall dispose of all his rubbish in a clean sanitary manner by placing it in the rubbish containers required by subsection 5.2 of this Code.

12.9 In dwellings containing no more than three dwelling units, it shall be the responsibility of the occupant of each dwelling unit to furnish the receptacles outside the dwelling unit as are needed for the storage of garbage and rubbish until removal from the premises. In lodging houses, and in dwellings containing four or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside the lodging units or dwelling units as are needed for the storage of garbage and rubbish until removal from the premises.

12.10 Every occupant of a dwelling unit in a dwelling containing no more than three dwelling units shall be responsible, unless provided for otherwise under a lease agreement, for the periodic removal of all garbage and rubbish from the premises each week in accordance with such regulations of this Municipality for the collection of garbage and rubbish.

12.11 Every occupant of a dwelling comprising a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the common parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

12.12 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

12.13 In dwellings containing two or more dwelling units having a common source of heat for domestic hot water, it shall be the responsibility of the owner to make provision for the proper operation of such facilities at all times.

12.14 Every owner of a dwelling, who permits to be occupied any dwelling unit or lodging unit therein under any agreement, expressed or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain therein a minimum inside temperature in all habitable rooms, bathrooms, and water closet compartments of 68 degrees Fahrenheit between the hours of 6:00 a.m. and 11:00 p.m., and 65 degrees Fahrenheit between the hours of 11:00 p.m. and 6:00 a.m., from October 1 of each year to the next succeeding May 1.

12.15 In the absence of a contract or agreement to the contrary, an owner shall be obliged to provide heat whenever heating facilities are under the control of the owner or whenever two or more dwelling units or lodging units are heated by a common facility.

12.16 The owner shall be responsible for compliance with all provisions of this Code not specified as the responsibility of occupants.

Section 13

CONFLICT OF ORDINANCES

Nothing in this Code shall be construed to abrogate or impair the powers of any department of this Municipality or any agency of the State of New Jersey to enforce any provisions of its charter or its Ordinances, Codes, regulations or statutory provisions or to prevent or punish violation thereof.

AMPLE ORDINANCE NO. 1
New Jersey State Housing Code

AN Ordinance relating to repair, closing and demolition of dwellings located in the _____ of _____ which are unfit for human habitation adopted pursuant to the provisions of the Statutes of New Jersey, as embodied in N.J.S.A. 40:48-2.3, authorizing the inspection of dwellings and accepting and adopting the "New Jersey State Housing Code (1980 Revision)," as standards for use in determining the fitness of a building for human habitation or occupancy or use.

The _____ of the _____ of _____ do
ordain that:

1. The _____ of the _____ of _____ and he is hereby designated as the officer to exercise the powers prescribed by the within ordinance, and he shall serve in such capacity without any additional salary.

2. For the purpose of the within ordinance the _____ may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the _____. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, structural defects or uncleanness.

3. Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1 et seq.) the "New Jersey State Housing Code (1980 Revision)," as approved by the Department of Community Affairs and filed in the Secretary of State's office is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use. A copy of the "New Jersey State Housing Code (1980 Revision)," is annexed to this ordinance and three copies of the same have been placed on file in the office of the _____ clerk and are available to all persons desiring to use and examine the same.

1. Whenever a petition is filed with the _____ by a public authority as defined in N.J.S.A. 40:48-2.4, or by at least five residents of the municipality charging that any dwelling is unfit for human habitation as herein defined, or whenever it appears to the _____ (on his own motion) that any dwelling is unfit for human habitation, as herein defined, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges in that

respect and containing a notice that a hearing will be held before the _____ (or his designated agent) at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaints; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the _____.

5. If, after such notice and hearing, the _____ determines that the dwelling under consideration is unfit for human habitation, as herein defined, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

a. The repair, alteration or improvement of the said building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or to have said building vacated and closed within the time set forth in the order; and

b. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve the said building within the time specified in the order, that the owner remove or demolish the said building within a reasonable time as specified in the said order of removal.

c. That, if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the _____ may cause such building to be repaired, altered or improved, or to be vacated and closed; that the _____ may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

d. That, if the owner fails to comply with an order to remove or demolish the building, the _____ may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor.

e. That the amount of

1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this ordinance determined in favor of the municipality, and

2. The cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any,

realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the _____, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the municipal tax assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by certified mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the _____, shall be secured in such manner as may be directed by such court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party in interest may, within 60 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

6. Complaints or orders issued by the _____ pursuant to this ordinance, shall be served upon persons either personally or by certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said _____ in the exercise of reasonable diligence, and the said _____ shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper circulating in the _____ of _____. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of the county in which the dwelling is located.

7. The _____ is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following in addition to others herein granted; (a) to investigate the dwelling conditions in the _____ of _____ in order to determine which dwellings therein are unfit for human habitation;

(b) to administer oaths, affirmations, examine witnesses and receive evidence; (c) to enter upon premises for the purpose of making examination, provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; (d) to appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this ordinance; and (e) to delegate any of his functions and powers under this ordinance to such officers and agents as he may designate.

8. Nothing in this ordinance shall be construed to abrogate or impair the power of the municipality or any officer or department to enforce any provisions of its charter, or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this ordinance shall be in addition and supplemental to the powers conferred upon the city by any other law or ordinance.

9. If any clause, sentence, subdivision, paragraph, section or part of this ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section, or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

SAMPLE ORDINANCE NO. 2
New Jersey State Housing Code

AN Ordinance accepting and adopting the "New Jersey State Housing Code (1980 Revision)," as a standard governing supplied facilities and other physical things and conditions essential to making dwellings safe, sanitary and fit for human habitation and governing the condition of dwellings, authorizing inspection of dwellings and fixing penalties for violations.

The _____ of the _____ of _____ do ordain that:

1. The _____ of the _____ of _____ be and he is hereby designated as the officer to exercise the powers prescribed by the within ordinance, and he shall serve in such capacity without any additional salary.

2. Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1 et seq.) the "New Jersey State Housing Code (1980 Revision)," as approved by the Department of Community Affairs and filed in the Secretary of State's Office is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the "New Jersey State Housing Code (1980 Revision)," is annexed to this ordinance and three copies of the same have been placed on file in the office of the _____ clerk and are available to all persons desiring to use and examine the same.

3. The _____ is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the _____ of _____ in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the _____ is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling units, and rooming unit, or the person in charge thereof, shall give the _____ free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this ordinance.

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

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the _____, provided such person shall file in the office of the _____ a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. Upon receipt of such petition the _____ shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided that upon application of the petitioner the _____ may postpone the date of the hearing for a reasonable time beyond such 10-day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the _____ shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the _____ sustains or modified such notice, it shall be deemed to be an order. Any notice served pursuant to this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the _____ within ten days after such notice is served. The proceedings at such hearing, including the findings and decision of the _____ shall be summarized, reduced to writing, and entered as a matter of public record in the office of the _____. Such record shall also include a copy of every notice or order issued in

connection with the matter. Any person aggrieved by the decision of the _____ may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state. Whenever the _____ finds that an emergency exists which requires immediate action to protect the public health, or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the _____ shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the _____ shall continue such order in effect, or modify it, or revoke it.

5. The _____ is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this ordinance, provided, however, that such rules and regulations shall not be in conflict with the provisions of this ordinance, nor in anywise alter, amend, or supersede any of the provisions thereof. The _____ shall file a certified copy of all rules and regulations which he may adopt in his office and in the office of the Clerk of the _____ of _____.

6. No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform the provisions of the "New Jersey State Housing Code (1980 Revision)," established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

7. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall upon conviction, be punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period of not to exceed ninety (90) days or by both such fine and imprisonment, and each violation of any of the provisions of this ordinance and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

8. All other ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, and this ordinance shall be in full force and effect immediately upon its adoption and its publication, as provided by law.

9. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.