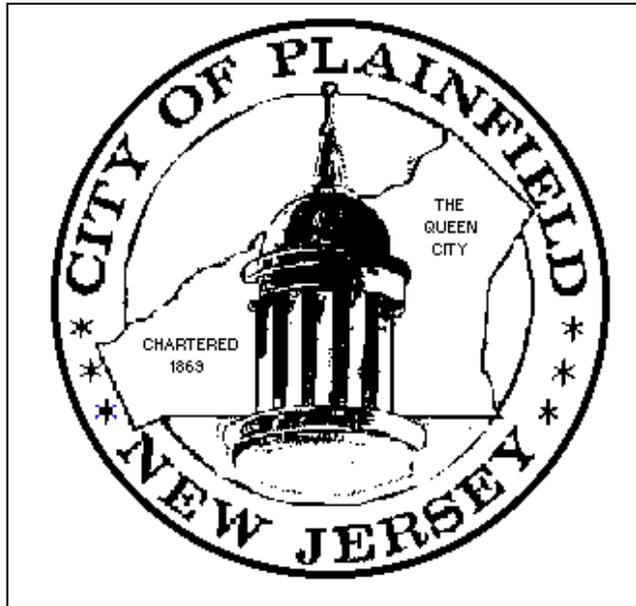


# CITY OF PLAINFIELD



## PROPERTY MAINTENANCE CODE

Division of Inspections  
908-753-3386

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## **AN ORDINANCE**

**AN ORDINANCE WHICH ESTABLISHES MINIMUM REQUIREMENTS AND STANDARDS FOR ALL RESIDENTIAL AND NON-RESIDENTIAL PREMISES IN THE CITY OF PLAINFIELD FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDES FOR THE SUMMARY ABATEMENT OF CERTAIN CONDITIONS; PERMITS ACCESS WHERE NECESSARY TO MAKE REPAIRS; PROVIDES FOR THE REPAIR, DEMOLITION, OR VACATION OF BUILDINGS UNFIT FOR HUMAN HABITATION OR OCCUPANCY OR USE; AND PROVIDES PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.**

*This ordinance shall be known and may be cited by short form title as the  
"Property Maintenance Code of the City of Plainfield"*

### **SECTION 1 - GENERAL**

#### **1.01 SCOPE**

This code is to protect the public health, safety and welfare in all existing structures, residential and non-residential, and on all existing premises as hereinafter provided by:

- A. Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of future structures.
- B. Fixing the responsibilities of owners, operators and occupants of all structures.
- C. Providing for administration, enforcement and penalties.

#### **1.02 RESPONSIBILITIES**

Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner, operator and occupant shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties. The primary responsibility for compliance with the provisions of this code shall be that of the owner.

## **SECTION 2 – REQUIREMENTS**

### **2.01 MAINTENANCE OF EXTERIOR OF PREMISES AND STRUCTURES**

The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of occupants, pedestrians, and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator to keep the premises free of hazards which include but are not limited to refuse, litter, trash, condition of natural growth, ground surface hazards, accumulations of storm water and sources of infestation.

### **2.02 APPEARANCE OF EXTERIOR OF PREMISES AND STRUCTURES**

The exterior of the premises, the exterior of dwelling structures, and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the residential standards of the neighborhood or such higher standards as may be adopted as part of a plan of Urban Renewal by the City of Plainfield and such that the appearance of the premises and structures shall not constitute a blighting factor for the adjoining property owners nor an element leading to the progressive deterioration of the neighborhood with the accompanying diminution of property values. The exterior of every structure shall be kept painted and in good repair. Lawns, hedges and bushes shall be kept trimmed and maintained. Parking of vehicles of any type in front yard areas, except driveways, shall be prohibited. Except during the course of repairs or alterations, no more than one-third of the square footage of any single window or single window display area shall be devoted to signs or other temporary advertising material attached to said window or windows or otherwise exposed to public view. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas ordinarily exposed to public view unless said areas are first screened from the public view by drapes, venetian blinds, or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in a clean and attractive manner and in a state of good repair.

### **2.03 PARKING OR STORAGE OF MOTOR VEHICLES ON PRIVATE**

A. Findings. It is hereby determined and declared that the outdoor storage, parking,

## Property Maintenance Code

repair, or accumulation of abandoned, wrecked, junked, inoperable, unregistered, uninspected, damaged or inoperable motor vehicles upon private property within the City is contrary and inimical to the public welfare in that the exposure to view of such motor vehicles or parts is detrimental to the surrounding neighborhood and the community at large due to danger of injury and hazards to children and others attracted to such vehicles; creation of unsightly and offensive views for adjoining residents and property owners, creating unsafe and nuisance conditions, and contributing to the devaluation of property values.

B. No person shall place, abandon, leave, keep, park or maintain, or permit the placing, abandoning, leaving, keeping, parking or maintaining of any motor vehicle described below out of doors upon any private land in the City of Plainfield for more than five (5) days if said vehicle:

- 1) Does not have a current and valid registration and inspection sticker, or
- 2) Does not have all of its main component parts attached, or
- 3) Is wrecked, junked, stripped, inoperable, or in a state of disrepair such that it is unsightly or unsafe, or
- 4) Is in such mechanical or physically damaged or deteriorating condition that it could not be immediately operated in a safe manner, or if operated on a public roadway would be subject to a violation of N.J.S.A. 39:3-44 (unsafe vehicle)

a) A motor vehicle shall be deemed "inoperable where any of the following conditions exists:

- (i) It is being dismantled for sale, salvage, reclamation of parts, or repair.
  - (ii) It does not have all of its' main component parts properly attached.
  - (iii) Where any other additional conditions exist which cause the vehicle to be incapable of being driven lawfully and safety under its own power.
- b) "Main component parts" means fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment as are necessary for the vehicle to be lawfully driven.

C) Exceptions.

- 1) Nothing in this Ordinance shall be construed to prohibit the placing, keeping or storage of a motor vehicle referenced above if said vehicle is stored in an enclosed garage or building, or no more than one (1) such vehicle per property is stored in the driveway or backyard of the premises under a form fitting car cover specifically manufactured and sold for the type of vehicle stored.
- 2) The provisions of this Ordinance shall also not apply to any lawfully existing new or used car dealers or junkyard which otherwise complies with all federal, state and municipal laws, nor shall it apply to the temporary storage of registered, insured vehicles awaiting repairs at service stations.

D) Parking or storage of motor vehicles on public property,

The parking or storage of motor vehicles on public property shall be governed by State

law or as otherwise provided by City ordinance.

Except as provided in other regulations, not more than one (1) currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at any time be in a state of major disassembly, disrepair, nor shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including bodywork, in a residential district.

#### **2.04 STRUCTURAL SOUNDNESS**

Every dwelling and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health, or fire hazards, including exterior walls, siding and roofs. Every dwelling should be maintained weather tight and watertight

#### **2.05 BASEMENTS AND CELLARS**

Basements, cellars and crawlspaces are to be free of moisture resulting from seepage, and cross ventilation shall be required where necessary to prevent accumulations of moisture and dampness.

#### **2.06 SCREENS**

Every door and window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that such screens shall not be required for areas on a floor above the fifth floor and screens doors shall not be required on non-residential structures or structures where the doors are required to swing out as required in the building code.

#### **2.07 SANITATION AND SAFETY**

All parts of the structure shall be kept in a clean and sanitary condition, free of nuisance, and free from health, safety, and fire hazards.

#### **2.08 ACCUMULATIONS AND OBSTRUCTIONS**

No accumulations or obstructions from garbage, refuse, or rubbish shall be permitted on common stairways, areaways, balconies, porches, hallways, basements, or cellars; except garbage stored in proper containers may be set out for removal.

#### **2.09 FLOORS**

Floors of every structure shall be structurally sound and maintained in a clean and sanitary condition. Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, clean, free from cracks, breaks, and other hazards. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

**2.10 CELLAR AND BASEMENT FLOORS**

Floors of basements and cellars shall be paved with concrete not less than four (4) inches thick and shall be maintained at all times in a condition so as to be smooth, clean, free from cracks, breaks, and other hazards.

**2.11 WALLS AND CEILINGS**

Floors, walls, including windows and doors, ceilings, and other interior surfaces shall be maintained in good, clean, and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be eliminated.

**2.12 STAIRS AND RAILINGS**

Stairs and other exit facilities shall be adequate for safety as provided in the building code.

**2.13 GARBAGE CONTAINERS**

The operator and owner of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide and at all times cause to be used adequately-screened, leak proof, approved containers with close fitting covers, for the storage of such materials until removed from the premises for disposal. Storage space for such containers shall be provided in the rear of the structure.

**2.14 GARBAGE REMOVAL**

The owner or operator shall have the duty and responsibility of removing garbage from the premises no less than twice weekly.

**2.15 CARETAKER**

In every multiple dwelling in which the owner does not reside, there shall be a responsible person, designated by the owner, residing on the premises, whose duties include maintaining the commonly used parts of the premises.

**2.16 WATER SUPPLY**

The water system shall be maintained in good and operable condition at all times so that sufficient and positive pressure shall be available at all installed hot and cold water faucets.

**2.17 HOT AND COLD WATER**

Every kitchen sink, bathroom sink and basin, tub or shower, as required under this code shall be connected to both the hot and cold water lines. There shall be sufficient and adequate equipment maintained in good working condition to supply water at a minimum temperature of 120 degrees F. at all times to each hot water outlet.

**2.18 BATHROOM FACILITIES**

Every bathroom required hereunder shall be provided with a flush toilet, a shower or tub and a wash basin.

**2.19 PLUMBING MAINTENANCE**

All required plumbing facilities, exclusive of heating unit facilities, shall be maintained in

a sanitary condition, free of defect, and in operating condition at all times. Where the said facility or plumbing fixture shall be clogged, overflow, or otherwise necessitate repair, such repairs shall be performed forthwith.

## **2.20 BATHROOM REQUIREMENTS FOR DWELLING UNITS**

Every dwelling unit shall contain a bathroom which shall be located entirely within that unit and which shall be completely enclosed, containing the facilities as set forth in 2.18, in a room which affords privacy to the occupants thereof.

## **2.21 HEAT AND HEATING FACILITIES**

Every dwelling unit shall contain properly maintained central heating facilities of sufficient capacity to maintain a minimum inside temperature of 68 degrees F. in all habitable rooms, bathrooms, and water closet compartments measurable thirty-six (36) inches above the floor at the center of any such room or compartment when the outside temperature is 0 degrees F. Where the facilities are found to be of inadequate size or capacity to accomplish the foregoing, then the owner or operator shall at the direction of the Public Officer, either increase the capacity of the heating system or close off habitable space so that the standard as established herein shall be met, provided that such space can be removed as habitable space without creating a violation of the standards established by this code.

## **2.22 HEATING REQUIREMENTS**

Except as hereinafter stated, from October 1st to May 1st, the interior of every dwelling unit or rooming unit, bathroom, and water closet compartment shall be maintained at a minimum of 68 degrees F. during the hours between 6:00 a.m. to 11:00 p.m. whenever the outside temperature falls below 55 degrees F. During the hours between 11:00 p.m. to 6:00 a.m. the minimum interior temperature shall be maintained at 65 degrees F. whenever the outside temperature falls below 40 degrees F.

Except as hereinafter stated, from May 1st to October 1st, every dwelling unit, rooming unit, bathroom and water closet compartment shall be maintained at a temperature of sixty-eight degrees F. during the daytime hours from six (6:00) a.m. in the morning and eleven (11:00) p.m. in the evening whenever the outside temperature falls below fifty-five degrees F.

In meeting the aforesaid standards the owner shall not be responsible for heat loss and the consequent drop in the interior temperature arising out of action by the occupant in leaving windows or doors open to the exterior of the building. The presence of heating outlets, radiators, risers, or returns in any hall or dwelling unit or rooming unit shall constitute a presumption that the owner is to supply heat as required hereunder and in the absence of clear and convincing proof to the contrary this presumption shall control.

## **2.23 HEATING SYSTEM MAINTENANCE**

Notwithstanding a contract by the occupant to supply his own heat as provided herein, where the heating unit is installed or owned by the owner or operator, then the duty to maintain the same in operable and functioning condition as provided herein shall remain the duty of the owner or operator.

## **2.24 ELECTRICAL REQUIREMENTS**

Where it is found in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

## **2.25 ELECTRICAL OUTLETS**

Where there is electric service available to a structure, every habitable room of the dwelling unit, and every guest room, shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall type electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.

## **2.26 LIGHTING OF COMMON SPACES**

Lighting of hallways, stairways, landings, and other spaces used by occupants in common as a normal means of passage shall be sufficient to provide at least 5 foot-candles (5 lumens) measured in the darkest portion. Light switches for stairs and hallways shall be readily accessible to the occupants using the same and so located as to comply with 2.12. Every cellar, basement, work space, and other part of the structure used occasionally and incidentally by the occupants shall be provided with artificial lighting available at all times so that there shall be at least 3 foot-candles (3 lumens) measured in the darkest portion trafficked by occupants

## **2.27 SUSPENSION OF UTILITIES**

No owner, operator, or occupant shall cause any service, facility equipment, or utility, which is required to be supplied by the provisions of this code, to be removed from or discontinued for an occupied dwelling unit or rooming unit, except for necessary repairs, alterations, or emergencies, or for such other reason as may be permitted pursuant to those sections of the City ordinances applicable to such service, facility, equipment, or utility.

## **2.28 RESPONSIBILITY FOR UTILITIES**

Where utilities and facilities, meaning for the purpose of this section gas, oil, water and heating systems, are not supplied directly and independently through the use of separate meters, tanks and piping to each individual dwelling unit in a building or structure, the landlord or owner is responsible for supplying same.

## **2.29 OCCUPANCY OF DWELLING UNITS**

Every dwelling unit shall contain a minimum superficial floor area of one hundred fifty (150) square feet for the initial occupant, plus one hundred (100) square feet for each occupant thereafter, except that for the purpose of this section, children under one year of age shall not be counted as occupants. At least 50% of the minimum superficial floor area shall have a minimum height of seven (7) feet.

### **2.30 OCCUPANCY OF SLEEPING ROOMS**

Every room utilized for sleeping purposes shall have a minimum superficial area of seventy (70) square feet for the initial occupant and fifty (50) square feet of additional superficial floor area for each additional occupant, except that children under one (1) year of age shall not be counted as occupants for the purpose of this section. Independent rooming units shall be rented for occupancy or occupied by adults and emancipated minors only, limited to a total occupancy by two (2) persons.

### **2.31 CELLARS AND BASEMENTS**

Use of a cellar for sleeping purposes is hereby prohibited. Basements may be utilized for human habitation provided that:

- (a) there be sufficient light and ventilation as more particularly required by 2.32 and that natural light and ventilation are not restricted by reason of walls or other obstructions located within six (6) feet of any window required, pursuant to this section;
- (b) all furnaces or other heating facilities be so located, insulated, and separated from living areas by fireproof partitions or walls necessary pursuant to regulations of the Fire Chief so that the same does not constitute an undue hazard to the safety and health of the occupants; and
- (c) the dwelling units and all walls and floors thereof be free of visible moisture and seepage at all times.

### **2.32 WINDOWS AND SKYLIGHTS**

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate window or skylight area available to unobstructed light shall not be less than 8% of the floor area of such rooms. The window or skylight shall either open to 45% of the required area or be supplied with a mechanical ventilation system of sufficient capacity provided with proper openings for incoming or outgoing air to assure comparable ventilation. Openings for ventilation as required herein shall include windows, skylights, louvers, monitors, or other openings provided all such openings are easily operative by the occupants. Every bathroom and water closet compartment shall be adequately lighted and ventilated by natural or mechanical means.

### **2.33 DWELLING UNIT FACILITIES**

Every dwelling unit shall have a bathroom, containing a toilet, wash basin, bathtub or shower; shall be equipped with private kitchen facilities; and shall comply with such other requirements as are set forth elsewhere in this code. Where there are more than eight (8) occupants, the said unit shall have two (2) bathrooms. Each dwelling unit or rooming unit shall contain at least one (1) closet for each bedroom located within the dwelling unit; every kitchen shall contain adequate storage facilities for dishes and utensils.

### **2.34 COOKING**

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On or after January 1, 1965, no cooking shall be permitted in any dwelling unit unless there be minimum sanitary facilities, which facilities shall include: (a) kitchen sink of non-absorbent impervious material, and drain board of appropriate materials, said sink to be connected to the hot and cold water lines; (b) a waterproof washable container for garbage disposal equipped with a lid or cover to prevent infestation; (c) appropriate facilities for storage of food and either gas or electric refrigeration; (d) means of ventilation sufficient to remove cooking odors to exterior of premises; and (e) flooring in compliance with 2.09.

### **2.35 COMMUNITY COOKING FACILITIES**

Cooking facilities serving more than one dwelling unit or independent rooming unit or combination thereof shall not be permitted.

### **2.36 EGRESS FROM ROOMING UNITS**

Independent rooming units shall, except in single-family dwellings, have a door opening directly into a common hallway or areaway. Any independent rooming unit located in the basement or at ground level of a dwelling shall be provided with a second means of egress with the same requirements as provided in 2.31. Where there is an independent rooming unit located above the first story, a common hallway or areaway shall have two means of egress remote from each other and conforming to the requirements of the Building Code.

## **SECTION 3 - DUTIES AND RESPONSIBILITIES OF OCCUPANTS**

### **3.01 DAMAGE TO PROPERTY**

Every tenant shall be responsible for damage to any interior part of the premises whether caused accidentally or otherwise. The Public Officer may serve a written notice upon a tenant in accordance with Section 4.06 of this code, requiring correction of any damage, and failure to make such correction or repair shall subject the occupant to penalties prescribed by this code.

### **3.02 DAMAGE BY HEATING OR COOKING**

No occupant shall cause excessive discoloration of the walls or ceiling of any part of the premises by improper use of heating or cooking equipment.

### **3.03 PLUMBING MAINTENANCE**

Every occupant or operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition and he shall not deposit any material in any fixture or sewer system which will result in stoppage of or damage to the fixtures or sewer system.

### **3.04 COOKING**

No occupant shall cook in any dwelling unit except where all the required sanitary facilities are installed as required under 2.34.

### **3.05 VIOLATIONS BY MINORS**

Any adult member of the family shall be responsible for and liable for any violation of the stated sub-section caused by minors using or visiting the dwelling unit if the violations were created or permitted to continue with the knowledge or acquiescence or consent of said adult member.

## **SECTION 4 - ADMINISTRATIVE PROVISIONS**

### **4.01 PUBLIC OFFICER**

The person charged with the responsibility of enforcement of this code shall also be known as the Public Officer.

#### **4.01 (a) AGENTS**

The Public Officer hereby supplements its enforcement capabilities by designating the Director of the Department of Public Works and Urban Development, The Director of the Department of Public Affairs and Safety, The Health Officer of the Division of Health or their authorized representatives as its agents.

### **4.02 INSPECTIONS**

All buildings and premises subject to this code are subject to inspections from time to time by the enforcing officer of the City. At the time of such inspections, all rooms in the building and all parts of the premises must be available and accessible for such inspections, and the owner, operator, and occupant are required to provide the necessary arrangements to facilitate inspections. Such inspections shall be made between 8 a.m. and 4 p.m. prevailing time, unless one of the following conditions - exists: (a) the premises are not available during the foregoing hours for inspections; (b) there is reason to believe that the violations are occurring on the premises which can only be apprehended and detected by inspections during other than the prescribed hours or which require immediate inspection after being reported, such as failure to supply heat; and (c) there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

### **4.03 IDENTIFICATION AND CONDUCT OF INSPECTORS**

Inspectors shall be supplied with official identification and upon request shall exhibit such identification when entering any dwelling unit, rooming unit, or any premises subject to this code. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

### **4.04 ENTRY REFUSAL**

Where the Public Officer or his agent is refused entry or access or is otherwise impeded or prevented by the owner or operator from conducting an inspection of the premises, such person shall be in violation of this code and subject to the penalties hereunder.

**4.05 SEARCH AND ACCESS WARRANTS**

In addition to the provisions of 4.04, the Public Officer may, upon affidavit, apply to the Magistrate of the City of Plainfield for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this code exists on the premises, and if the Magistrate is satisfied as to the matter set forth in the said affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. Warrant for access may be issued by the Magistrate upon affidavit of the Public Officer establishing grounds thereof.

**4.06 NOTICE PROCEDURE**

Except as provided in 4.14, where a violation of this code or the regulations hereunder is found to exist, a written notice from the Public Officer shall be served on the person or persons responsible for the correction thereof.

**4.07- CONTENTS OF NOTICE**

Except as provided in 4.07 (a), The notice shall specify the violation(s), what must be done to correct same, a reasonable period of time not to exceed thirty (30) days to correct or abate the violation-(s) unless extenuating circumstances warrant otherwise, the right of the person served to request a hearing, and that the notice shall become an order of the Public Officer in ten (10).days after service unless a hearing is requested pursuant to 4.04.

**4.07 (a) CONTENTS OF NOTICE FOR VIOLATIONS OF SECTIONS 2.01, 2.02, 2.03, 2.13, AND 2.14**

A violation notice shall be left at the premises and mailed to the owner of record. The notice shall specify the violation(s), what must be done to correct same, a period of not less than five (5) working days to accomplish same, and appeal provisions as prescribed in Section 4.09(a).

**4.08 SERVICE OF NOTICE**

Notice may be served personally or by prepaid telegram or by mail with postage prepaid, addressed to the last known address of the person to be served. In the case of an occupant, notice may be posted upon the door of his dwelling unit or rooming unit. Where it is ascertained that the owner does not reside on the premises, the "last known address" shall be the address of the owner as shown in the office of the Tax Collector. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Public Officer shall file and provide notice to any owner, operator or occupant of any violation at any address other than the last known address provided hereunder if such other address is filed with the Public Officer personally or by certified mail addressed to the Public Officer. Service upon an owner, operator, or occupant may be also attained by service of any notice upon a member of the family of the owner, operator or occupant. Date of service of the notice shall be determined where service is by mail as of the day following the day of mailing the day of mailing for notice to addresses within the City, and as of the fourth day after the day of

mailing for notice to addresses outside the City. Where the day of service would fall upon a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day.

#### **4.09 NOTICE TO BECOME ORDER**

Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon, serves a written request within the ten (10) day period in person or by mail on the Public Officer. Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which is disputed at the hearing. The Public Officer, upon receipt of the request, shall within thirty (30) days there from and upon five (5) days notice to the party aggrieved set the matter down for hearing.

#### **4.09 (a) APPEAL PROCESS FOR VIOLATIONS OF THE FOLLOWING CODES 2.01, 2.02, 2.03, 2.13, AND 2.14**

A property owner or agent may appeal fines imposed by filing a written request for a hearing to the Director of the Division of Inspections, 515 Watchung Avenue, Plainfield, N.J. 07061, within five (5) working days from the date of the notice of violation.

#### **4.10 HEARING DETERMINATION**

At any hearing provided hereunder the Public Officer shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena, to require by subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by him and to enforce any such subpoena as provided by law.

Determination shall be made within ten (10) days from the completion of the hearing. The Public Officer shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.

#### **4.11 SUMMARY ABATEMENT IN EMERGENCY**

Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb or is severely inimitable to the welfare and well being of the citizens of Plainfield unless abated without delay, the Public Officer may either abate the violation or condition immediately or order the owner, operator, or occupant to correct the violation or condition within a period of time not to exceed three (3) days, and upon failure to do so, the Public Officer shall abate the condition immediately thereafter.

#### **4.12 COST OF VIOLATION ABATEMENT**

Where the abatement of any nuisance as defined herein, correction of a defect in the premises or bringing the premises into compliance with the requirements of any municipal ordinance or State law applicable thereto requires expending City monies therefore, the Public Officer shall present a report of work done to accomplish the foregoing to the City Council along with a summary of the proceedings undertaken by

the Public Officer to secure compliance. After review of the same, the City Council may approve the said premises and costs whereupon the same shall become a lien against the said premises collectible as provided by law. A copy of the resolution approving the said expenses and costs shall be certified by the City Council and filed with the Tax Collector of the City, who shall be responsible for the collection thereof.

#### **4.13 EXTENSION FOR DISPOSSESS ACTIONS**

Where there exists a violation of occupancy standards hereunder, an owner or operator, upon receipt of a notice of a violation, if unable to eliminate the violation by peaceable means within the period of time specified in said notice, shall commence within such period legal action to dispossess, evict or eject the occupants who cause the violation. No further action hereunder shall then be taken against the owner or operator so long as the action aforesaid is pending in the court and is prosecuted expeditiously and in good faith.

#### **4.14 NOTICE AND HEARING NOT REQUIRED**

A. Notwithstanding the requirements of 4.07 and 4.10, violations of the following sections may be prosecuted without notice by the filing of a complaint by the Public Officer in the Municipal Court –

1. Utilities and facilities 2.17 through 2.38
2. Entry Refusal 4.04
3. Failure to comply with order 5.05

B. Where the Public Officer shall determine that there was a violation and a notice was served upon the owner, operator, or occupant whether or not said violation was abated prior to the issuance of an order, if thereafter within the space of one (1) year there shall be a second violation by the same owner, operator, or occupant of the same provision of this code discovered on the same premises, the offender may be prosecuted on the second violation without the Public Officer first giving notice and opportunity for a hearing to the owner, operator, or occupant by the filing of a complaint by the Public Officer in the Municipal Court. Where the Public Officer has on two (2) different occasions found violations by the same owner, operator or occupant on the same premises within the space of one (1) year, whether of the same section or of any other sections of this code, he may thereupon prosecute the offender by filing a complaint in the Municipal Court of the City for the third or subsequent violation occurring within the said period of one (1) year without first providing notice and opportunity for a hearing by the Public Officer.

#### **4.15 EFFECT OF NOTICE**

For the purposes of enforcement of this code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until said violations are abated in conformity with this code and other applicable ordinances of the City of Plainfield.

**4.16 APPOINTMENT OF RECEIVER**

Where the owner, operator, or lessor of any structure containing two (2) or more dwelling units which is let or rented to another in whole or in part violates this code or any other municipal ordinance pertaining to said structure or fails to abate any violation of this code, or violates an order of the Public Officer with respect thereto, the Public Officer, upon resolution duly approved by the City Council, may commence an action in the Superior Court seeking appointment of the Public Officer as Receiver ex officio of the rents and income from the said property. The said rents and income shall be collected by the said Receiver and shall be expended and allotted to:

(a) secure compliance with the ordinance of the City and laws of the State as set forth in the order of the Public Officer; (b) be utilized to defray such costs and expenses of the receivership as may be adjudged by the Superior Court; and (c) be applied towards payment to the City of Plainfield of any fines or penalties with costs which may have been imposed on the owner, operator, or lessor for violation of the ordinances of the City Of Plainfield and which have remained unpaid.

**4.17 PENALTIES**

Fines- A violation of any section or subsection of this code shall be punishable by a fine not to exceed One Thousand Dollars (\$1000.00) for each violation committed hereunder. Each violation of a section or subsection of this code shall constitute a separate and distinct violation independent of any other section or subsection. Each day's failure to comply with any such section or subsection shall constitute a separate violation.

Penalties in Addition- Where an owner, operator, or occupant has been convicted of a violation of this code, and within twelve (12) months thereafter has been found by the Magistrate of the Municipal Court to be guilty of a second violation of this code, the Court may, if it finds that the second offense was willful and inexcusable, sentence the offender in addition to or in lieu of the fine set forth in the above paragraph to imprisonment in the County jail for a period of time not to exceed ninety (90) days.

Liability of Officers and Agents- Where the defendant is other than a natural person or persons, the above two (2) paragraphs shall also apply to any agent, or superintendent, officer, member, or partner who shall alone or with others have charge, care, or control of the premises.

**4.17 (a) VIOLATION; PENALTY - FIRST OFFENSE**

Violations of Sections 2.01, 2.02,2.03,2.13, and 2.14 as listed below shall be punishable by fines of not less than the amounts listed below and not more than \$500.00 for the first offense as follows:

2.01	Failure to remove trash and debris	\$150.00
2.02	Failure to cut and maintain lawn	\$150.00
2.03	Failure to remove abandoned/disabled vehicle	\$200.00
2.13	Improper garbage storage	\$150.00
2.14	Failure to provide garbage removal services no less than twice weekly	\$150.00

**4.17 (b) VIOLATION; PENALTY - SECOND OFFENSE**

Violations of Sections 2.01, 2.02, 2.03, 2.13, and 2.14 as listed above shall be punishable by fines of not less than \$250.00 and not more than \$750.00 for the second offense and or not more than three (3) days imprisonment and or the equivalent in community service.

**4.17 (c) VIOLATION; PENALTY - THIRD AND SUBSEQUENT OFFENSES**

Violations of Sections 2.01, 2.02, 2.03, 2.13, and 2.14 as listed above shall be punishable by fines of not less than \$500.00 and not more than \$1000.00 for a third offense and all offenses thereafter with a term of imprisonment and or the equivalent in community service of not less than five (5) but not more than ten (10) days.

All fines are due and payable to the Division of Inspections, 515 Watchung Avenue, upon expiration of the violation notice. Failure to pay fine and correct violation(s) will result in further Court action.

**4.18 ADOPTION OF RULES AND REGULATIONS**

The Public Officer is hereby authorized and empowered to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this code, provided that such rules and regulations do not conflict with this code and conform to the general standards prescribed by this code. The Public Officer shall file copies of such rules and regulations with the City Clerk and shall make available in the Public Officer's office a copy for inspection by the members of the public during regular business hours.

**4.19 VARIATION AND MODIFICATION OF PROVISIONS**

The Public Officer shall have the power to withhold strict enforcement of the requirements of this code upon written application therefore by an owner, operator, or occupant, after making determination that: (a) any variation or modification of structure or use approved by the Public Officer will not in any material way alter the standards of this code and cannot affect detrimentally the health or safety of occupants or owners of adjacent premises or of the neighborhood; (b) strict enforcement would constitute an undue and unnecessary hardship on the owner, operator, or occupant because it would compel expenditures on the premises which would be substantially disproportionate to any benefit to health, safety, or welfare that might be derived there from; and (c) the owner, operator, or occupant is without any practical or feasible means to comply with the strict provisions of this code. Upon denial of any such application, the owner, operator, or occupant may request a hearing which shall be held in accordance with provisions of 4.09. Such application shall not constitute a defense of any violation of this code concerning which any proceedings are pending in the Municipal Court when the application is filed nor shall any variance or modification allowed hereunder constitute a vested right against any ordinance enacted hereinafter by the City Council compelling strict enforcement of any provisions of this code.

#### **4.20 REQUEST INSPECTIONS**

Whenever an owner, operator, or occupant, prospective purchaser, mortgagee, or prospective occupant shall apply to the Public Officer for an inspection in order to ascertain if any section of this code has been violated, the- Public Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violations of this code on the premises. The applicant for inspection shall state in writing his full name, residence, and the reason and basis for which the inspection is requested. The Public Officer may deny the application for failure to comply with this requirement. The fee for any inspection made under this section shall be Twenty Dollars (\$20.00) dwellings of ten (10) or less units, Five Dollars (\$5.00) additional for each unit in excess of ten (10), and Five Dollars (\$5.00) for each re-inspection subsequent to the first re-inspection.

#### **4.21 TRANSFER OF PROPERTY**

Any person who sells or conveys any dwelling or dwelling unit in the City of Plainfield shall include, as part of the agreement of sale, a statement that there is or is not any outstanding Notice or Order, issued by the Public Officer, citing violations of the provisions of this ordinance. The failure of a seller or conveyor to conform to the requirements of the above statement, even if with the consent of the purchaser or transferee, shall be in violation of this ordinance and subject to the penalties as set forth in Section, 4.17. Upon written request and payment of a fee as stipulated under Section 4.20 by persons seeking compliance with this section, the Public Officer shall cause an inspection to be made and shall mail a report of such inspection to the person requesting it.

#### **4.22 OTHER REGULATIONS**

The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations, which prescribe standards other than, are provided herein.

#### **4.23 SEVERABILITY**

If any section, sub-section, paragraph, sentence, clause, phrase, or word contained in this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall remain in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

#### **4.24 EXISTING OFFENSES AND VIOLATIONS**

The repeal of any other ordinances by this code shall not affect any action for prosecution or abatement under any such ordinance or any notice, complaint, or order issued by any officer or agency of the City prior to the effective date hereof or concerning which any prosecution or other steps of enforcement have been taken or are being taken within any administrative agency or in the Municipal Court for enforcement thereof.

#### **4.25 EXISTING ORDINANCES**

Chapter 6, Article 2, of the Municipal Code of the City of Plainfield, 1971, is hereby repealed.

## **SECTION 5 – BUILDINGS UNFIT FOR HUMAN HABITATION**

### **5.01 FINDING OF UNFITNESS:**

The Public Officer on his own, or upon the filing of a petition by at least five (5) residents charging that a building is unfit for human habitation or use shall make an inspection of any building believed to be unfit for human habitation or use, and shall make a preliminary finding in accordance with the standards provided herein whether or not the premises are unfit for human habitation or use, and if so he shall, except where Section 5.01 applies, thereupon serve a notice upon the owner, operator, and occupant advising all such parties of the result of his inspection and the basis for his determination and setting a date for a hearing not less than ten (10) nor more than thirty (30) days from the date of service of the last notice to be served.

### **5.02 BASIS FOR FINDING**

In making a determination of whether a building is unfit for human habitation or use, the Public Officer shall determine whether by reason of violations of the code existing in the building or on the premises that continued occupancy of the building will not endanger and jeopardize the health and safety of the occupants or persons in the vicinity of the premises, and to that end he may consider, among other factors:

- A. Structural-** Whether the premises are so structurally defective that there is a risk of collapse or of loose materials falling and injuring persons in and around the building.
  
- B. Ventilation-** Whether by reason of inadequate ventilation there is a danger of communicable diseases being contracted and spread in and among the occupants or persons in the vicinity of the premises.
  
- C. Maintenance, Infestation, or Defects-** Whether by reason of infestation or defective condition of plumbing, or the lack of maintenance.
  
- D. Facilities and Egress -** Whether by reason of electrical wiring, conduits or equipment, heating or cooking facilities, or lack of proper means of egress, there is a danger of fire, or in case of fire, inadequate means of egress.

**E. Utilities** - Whether premises are deficient in one or more essential utilities, including sewage disposal facilities, water supply, or electricity.

**F. Design of Premises** - Where premises were not designed or constructed for human habitation. Whether by reason of the same, occupancy constitutes an unnecessary hazard to safety or health.

### **5.03 HEARING AND DETERMINATION**

After the holding of a hearing as prescribed in 4.09, the Public Officer shall make a determination as to whether the building is unfit for human habitation or use, and thereupon he shall make an order based on an evaluation of health and safety factors in the use of the premises, as follows:

#### **A. Limited Time of Occupancy**

That occupancy of all or part of the building be permitted for a limited period of time not to exceed thirty (30) days, upon condition that all violations, recited in the order are corrected, or abated within that time and if not corrected or abated, the premises be vacated within (10) days thereafter.

#### **B. Posting of Premises**

That the building or any part thereof be ordered vacated within a specified period not to exceed thirty (30) days, be boarded up and signs or notices that occupancy is prohibited be posted prominently at all times at all entrances of the building and that the order continue in effect until the conditions are abated and the order revoked as provided herein. The order may prohibit occupants from paying, and the owner and operator from receiving rent or other compensation for use and occupancy while it remains in effect.

#### **C. Demolition**

That by reason of the complete state of disrepair and the disproportionate investment required to restore the building to habitable condition and the danger that the premises constitutes, even while vacant, a threat to the health or safety of persons on or near the premises, that the improvement of the building is impracticable and continuance of the building vacant constitutes a danger to the health, safety, and wellbeing of the neighborhood, whereupon the building is to be ordered vacated and demolished within a period of time not to exceed sixty (60) days. If application for a Demolition Permit is within thirty (30) days from the date of the notice ordering vacation and demolition, the Public Officer will proceed with demolition or cause the building to be demolished. The cost of such demolition shall be charged against the property affected in accordance with Section 4.12

## SECTION—6

### 6:2-5A. ABANDONED PROPERTIES

#### 6:2-5A.1. ADOPTION OF "ABANDONED PROPERTIES ACT."

To the extent not expressly set forth herein, the City of Plainfield hereby adopts and incorporates the provisions of the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-79 et. seq., together with any amendments or supplements thereto ("Abandoned Properties Act"), as if fully set forth in this Section.

#### 6:2-5A-2. ABANDONED PROPERTY LIST.

- (a) The Public Officer is hereby directed to identify abandoned properties in the City of Plainfield for the purpose of establishing an abandoned property list. Each item of abandoned property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the property.
- (b) The list of abandoned properties shall be determined and maintained by the Public Officer in accordance with the requirements of the Abandoned Properties Act.
- (c) The Public Officer shall comply with the notification, filing and publication requirements set forth in N.J.S.A. 55:19-55.

#### 6:2-5A.3. ABANDONED PROPERTY; CRITERIA.

(a) Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six (6) months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:

(1) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six (6) month period;

(2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Public Officer pursuant to this section;

(3) At least one (1) installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the Public Officer pursuant to this section; or

(4) The property has been determined to be a nuisance by the Public Officer in accordance with N.J.S.A. 55:19-82.

(b) The Public Officer's abandoned property list shall not include any properties excluded under the provisions of the Abandoned Properties Rehabilitation Act.

(c) A determination that a property is abandoned property under the provisions of N.J.S.A. 55:19-81 et al. shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

**6:2-5A-4. REQUEST FOR PROPERTY TO BE PLACED ON ABANDONED PROPERTY LIST.**

(a) Any interested party may submit in writing a request to the Public Officer that a property be included on the abandoned property list prepared pursuant to N.J.S.A. 55:19-55, specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within thirty (30) days of receipt of any such request, the Public Officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For the purposes of this Section, "interested party" shall include any resident of the City, any owner or operator of a business within the City or any organization of representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

(b) Any interested party may participate in any redetermination hearing held by the Public Officer pursuant to N.J.S.A. 55:19-55. Upon written request by any interested party, the Public Officer shall provide the party with at least twenty (20) days notice of any such hearing. The party shall provide the Public Officer with notice at least ten (10) days before the hearing of its intention to participate, and the nature of the testimony or other information that is proposes to submit at the hearing.

**6:2-5A-5. CITY ACTION FOR TRANSFER OF POSSESSION AND CONTROL OF ABANDONED PROPERTY.**

The Public Officer is authorized to file complaints via a summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation in the Superior Court. Said complaints shall be filed, served and prosecuted in the manner required by law.

The Public Officer is further authorized to commence and maintain such further proceedings required for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation, filing of municipal liens, and where appropriate for the sale of the property, subject to the requirements of N.J.S.A. 55:19-52. The City shall maintain, safeguard and maintain insurance on property, but this shall not relieve the owner of any civil or criminal liability or any duty imposed by reasons of acts or omissions of the landlord.

**6:2-5A-6. ABANDONED PROPERTIES ELIGIBLE FOR SPECIAL TAX SALE OR ASSIGNMENT OF TAX SALE CERTIFICATE REQUIREMENTS OF THE CITY.**

(a) The City may hold special tax sales with respect to those properties eligible for tax sale pursuant to R.S. 54:5-19 which are also on the abandoned property list established by the City in accordance with the requirements and procedures set forth in the Abandoned Properties Act and R.S. 54:5-19.

**6:2-5A-7. REGISTRATION REQUIRED.**

(a) The Public Officer shall maintain a register of all dwelling units of vacant housing in the City of Plainfield, except for such units exempt from registration under Subsection (b) (1) below.

(b) Registration; promulgation of rules.

(1) Except for the governments of the United States and the State of New Jersey and their instrumentalities, the owner or owners of each vacant building or structure in the City of Plainfield shall register it within thirty (30) days after the later of the date it becomes vacant or the date on which regulations are promulgated pursuant to this Chapter.

(2) The Mayor shall promulgate regulations to provide procedures for registration of vacant buildings and structures and the submission of all needed information with respect thereto, including the names and addresses, of all persons who have a present interest in the property and the facts and conditions of the vacancy.

(3) If any present interest in any vacant building or structure is transferred, a new registration of such unit shall be required within thirty (30) days after the transfer.

(4) If the name or address of any person required for registration changes, but the change is not related to the transfer of any present interest in any vacant building or structure, housing, the change shall be reported in writing within thirty (30) days.

(c) Each period of registration shall be for twelve (12) months.

(d) Any person who violates any of the registration requirements of this Section shall upon conviction thereof, be subject to a fine of One Hundred Dollars (\$100.00).

**CERTIFICATE OF COMPLIANCE**

**Editor's Note:** Prior ordinances codified herein include portions of Ordinance No. MC 1982-25, December 20, 1982 and MC 1995-13, July 19, 1995.

**6:5-1. DEFINITIONS.**

The following terms wherever used herein or referred to in this Article shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

**Building** means any combination of materials to form a structure adapted to permanent or continuous occupancy or use for public, institutional, residential, business, industrial or storage purposes.

**Construction Official** means a qualified person appointed by the City of Plainfield or the Commissioner of the Department of Community Affairs pursuant to the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and regulations promulgated thereunder to enforce and administer such regulations within the jurisdiction of the City of Plainfield.

**Dwelling** means any building or structure, or part thereof, used and occupied for human habitation or intended to be used for such purpose, including any appurtenances belonging thereto or used therewith.

**Dwelling unit** means a group of interrelated rooms intended or designed for residential

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use of one (1) family; (a) separated from the other spaces by lockable doors, (b) having access to the outside without crossing another dwelling, (c) having living, eating, and sleeping facilities.

**Occupant** means any person living in, sleeping in, or having actual possession of a dwelling unit or rooming unit, or any person using or having actual possession of any nonresidential premises.

**Operator** means any person who has charge, care or control of a building, structure or premises, or a part thereof, whether with or without the knowledge and consent of the owner of such building, structure or premises.

**Owner** means any person who, alone or jointly or severally with others, shall have legal or equitable title to any building, structure, premises, dwelling or dwelling unit with or without accompanying actual possession thereof; or shall have charge, care or control of any building, structure, premises, dwelling or dwelling unit, as owner, agent of the owner or as fiduciary, including, but not limited to executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate, or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any building, structure or premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility with the owner for the portion of the premises sublet or assigned by said lessee.

**Premises** means a lot, plot, or parcel of land (including a vacant lot, plot or parcel) and the buildings and structures located thereon, if any.

**Rooming unit** shall mean any room or group of rooms forming a single-habitable unit other than a dwelling unit which is rented or available for rent for sleeping purposes.

**Structure** means the combination of any materials, whether fixed or portable, forming a construction, including buildings.

### **6:5-2. CERTIFICATE OF COMPLIANCE REQUIRED.**

No person, firm, corporation or other entity shall purchase, sell, transfer or otherwise convey, or lease, occupy, rent, let, or otherwise deliver up for occupancy (whether commercial or residential) any building, structure or premises, including, without limitation, a dwelling unit or rooming unit, unless a certificate of compliance shall first have been obtained from the Director, Division of Inspections. The foregoing requirements shall be effective whether the sale, transfer, conveyance or change in ownership, occupancy, rental or lease is temporary, seasonal or permanent and whether or not for consideration.

### **6:5-3. CONTENTS OF CERTIFICATE OF COMPLIANCE.**

Upon application from the owner or operator of a building, structure or premises, an inspection shall be conducted by the Division of Inspections and if such building, structure or premises is found to be in compliance with the Plainfield Property Maintenance Code, the Uniform Construction Code, if applicable, and the Plainfield Zoning Ordinance, a certificate of compliance shall be issued that certifies that the building, structure or premises, complies therewith and there are no violations of any related laws or ordinances or orders pending. The Director, Division of Inspections shall determine the contents of the certificate of compliance. A certificate of compliance shall

be issued only to the proposed transferor with respect to any purchase, sale, transfer or other conveyance of a building, structure or premises or the owner with the tenant specified thereon with respect to any rental, lease, occupancy or other letting of a building, structure or premises. A certificate of compliance shall not be transferable. A nonconforming use, regardless of the duration it has existed, shall not receive a certificate of compliance unless it can be demonstrated that the use predates any law or ordinance regulating such use.

**6:5-4. RESPONSIBILITY FOR COMPLIANCE.**

Any and all agreements for the purchase, sale, transfer or other conveyance, or for the rental, lease, occupancy, letting or otherwise delivering up, of any building, structure or premises shall expressly state that it is the responsibility of the owner, operator or other transferor to comply with the provisions of this Article.

**6:5-5. APPLICATION CONTENTS.**

(a) Prior to the transfer of title with respect to any purchase, sale, transfer or other conveyance of a building, structure or premises or the delivery of possession with respect to any rental, lease, occupancy or other letting of a building, structure or premises, the owner, operator or transferor shall complete and file an application for a certificate of compliance with the Director, Division of Inspections, and consent shall be given therewith to the Director or the Director's agent to enter upon and examine the building, structure or premises for which the application has been filed, so that the Director or the Director's agent may determine whether or not the building, structure or premises fully complies with the applicable laws identified in Section 6:5-3 hereof. Except as provided in Section 6:5-11, a certificate of compliance shall not be issued unless there is full and complete compliance with the foregoing.

(b) An application for a certificate of compliance shall be made on forms prescribed by the Director, Division of Inspections, and shall be filed by the owner or operator of the building, structure or premises with the Division of Inspections. At a minimum, the application shall contain the following information:

- (1) Street address, and apartment number, if applicable, or other identification of the building, structure or premises.
- (2) Name, address, and telephone number of the applicant.
- (3) Name, address, and telephone number of the owner or other transferor.
- (4) Name, address and telephone number of the tenant or other transferee.
- (5) Name, address and telephone number of any person, firm, corporation or other entity authorized by the owner to manage the building, structure or premises.
- (6) The total number of persons permitted to occupy the building, structure or premises and the dwelling unit or rooming unit therein, if applicable.

**6:5-6. APPLICATION FEES.**

(a) An application for a certificate of compliance shall be filed, together with a fee based upon the following fee schedule:

- (1) With respect to residential buildings, structures and premises, Fifty Dollars (\$50.00)

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for the first dwelling unit and Twenty-Five Dollars (\$25.00) per dwelling unit thereafter.

(2) With respect to commercial and industrial buildings, structures and premises, Three Hundred Dollars (\$300.00) for each building, structure or premises.

(3) With respect to premises consisting of vacant land, Seventy-Five Dollars (\$75.00) per lot, plot or parcel.

(4) With respect to mixed-use buildings, structures and premises, Three Hundred Dollars (\$300.00) plus Fifty Dollars (\$50.00) per unit for the first through twentieth dwelling unit, inclusive, and Twenty-Five Dollars (\$25.00) per dwelling unit thereafter.

(5) In the event that the Division of Inspections cannot enter the premises on the date of a scheduled inspection, there shall be an additional fee of Fifty Dollars (\$50.00) to be paid for the rescheduling of the inspection.

(b) An application for an exemption from obtaining a certificate of compliance pursuant to Section 6:5-12(d)(1) or (2) with respect to any building, structure or premises shall be filed, together with a fee of Seventy-Five Dollars (\$75.00).

### **6:5-7. TIME OF INSPECTION.**

Within five (5) business days from the date of filing of the application for a certificate of compliance, the Division of Inspections shall use its reasonable efforts to inspect the building, structure or premises and shall notify, by telephone, the applicant of the scheduled date of inspection. The owner, operator and applicant are required to provide the necessary arrangements to make all buildings, structures and premises accessible for inspection by the Division of Inspections and to have an authorized person present to assist and provide entry for the inspection. Upon completion of such inspection, the Division of Inspections shall notify the applicant of its findings by sending a copy of either the certificate of compliance or a notice of violations to the applicant at the address set forth in the application. In addition, if applicable, the Division of Inspections, shall post a written notice in a conspicuous location on the building, structure or premises, setting forth the total number of persons permitted to occupy the property unit in accordance with local and State laws.

### **6:5-8. DURATION OF VALIDITY.**

A certificate of compliance shall be valid and shall continue in effect from the date of issue until the earliest to occur of the date (i) the building, structure or premises is purchased, sold, transferred or otherwise conveyed, (ii) the tenant specified in the application for such certificate of compliance, with respect to a dwelling unit or rooming unit, vacates occupancy of the building, structure or premises or (iii) the failure of the building, structure or premises to be in full compliance with applicable laws. Upon the occurrence of any of the events set forth above and, with respect to the event set forth in clause (iii) only, the serving of notice upon the owner, operator or occupants of the building, structure or premises, the certificate of compliance shall thereupon, without further action, be null and void and a new certificate of compliance shall be required for any further use of such building, structure, premises, dwelling unit or rooming unit.

### **6:5-9. DENIAL OF CERTIFICATE OF COMPLIANCE; JUST CAUSE.**

A certificate of compliance may be justly denied where in the judgment of the Director, Division of Inspections, any condition warranting denial of the certificate of compliance

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exists with respect to any building, structure or premises, including, without limitation, any of the following conditions:

- (a) Illegal occupancy. Occupancy not consistent with records of the Building Department and Plainfield Zoning Ordinance.
- (b) Over-occupancy. Occupancy not consistent with the provision of Section 2.29 Over-Occupancy of the Plainfield Property Maintenance Code.
- (c) Exterior maintenance. Lack of exterior maintenance as defined in the Property Maintenance Code.
- (d) Water.
  - (1) No running water.
  - (2) No hot water, where operator has responsibility to supply to tenant.
- (e) Plumbing.
  - (1) Defective toilets.
  - (2) Defective basin, tub, or shower.
  - (3) Major plumbing leaks.
  - (4) Cracks, breaks, leaks or blockage of sewer line.
- (f) Electrical.
  - (1) Mixed utilities.
  - (2) Defective electrical fixtures, outlets or switches.
  - (g) Heating system. Defective heating equipment which results in premises not maintaining heating temperature mandated by laws, rules or regulations of the United States, State of New Jersey or City of Plainfield.
- (h) Smoke detectors. Absence of or inoperable smoke detectors.
- (i) Walls and ceilings.
  - (1) Severe or numerous breaks or holes in plaster.
  - (2) Buckling or bulging of plaster.
- (j) Windows.
  - (1) Broken glass.
  - (2) Defective opening or closing mechanism.
  - (3) Inadequate ventilation.
- (k) Cooking equipment. Defective stove or other equipment for preparation of food.
- (l) Refrigeration. Defective refrigerator or other refrigeration unit in a residential rental unit.
- (m) Vermin.
  - (1) Severe roach infestation.
  - (2) Mouse infestation.
  - (3) Rat infestation.
- (n) Floors. Broken boards or holes in floor.
- (o) Steps. Broken steps or holes in steps or stairways.
- (p) Roof. Leaks in roof.

### **6:5-10. SERVICE OF NOTICE.**

Notice may be served personally or by first class mail with postage prepaid, addressed to the last known address of person to be served. Where it is ascertained that the owner does not reside on the premises the "last known address" shall be the address of the

owner, as shown in the office of the Tax Collector. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building or structure. The Director, Division of Inspections, shall file and provide notice to any owner, operator or occupant of any violation at the last known address provided hereunder if such other address is filed with the Director, Division of Inspections, personally or by certified mail addressed to the Division of Inspections. Service upon an owner, operator or occupant may also be attained by service of any notice upon a member of the family of the owner, operator, or occupant or service upon a member, officer or shareholder of the owner, operator or occupant if other than a natural person.

**6:5-11. TEMPORARY CERTIFICATE OF COMPLIANCE.**

The Director, Division of Inspections, may issue, with or without bond required, a temporary certificate of compliance that will be valid for a period of up to forty-five (45) days and may extend such period by an additional forty-five (45) days if, in the opinion of the Director, the building, structure or premises is in substantial compliance with the laws and regulations set forth in Section 6:5-3 hereof and such action serves to further the purposes of this Article and the denial of such temporary certificate of compliance would impose a hardship upon the applicant. In no circumstances is a temporary certificate of compliance to be in effect for more than ninety (90) days, and, if at that time the building, structure or premises does not qualify for a permanent certificate of compliance, all use and occupancy thereof shall cease until such time as a permanent certificate of compliance shall have been issued. The owner, operator or occupant shall be responsible to cease all use and occupancy without notification, and each day that such use and/or occupancy shall continue beyond the expiration of the temporary certificate of compliance shall constitute a separate violation of this Article.

**6:5-12. EXEMPTIONS.**

The provisions and regulations of this Article shall not apply in the following instances:

(a) Where a certificate of occupancy or continued occupancy has been issued by the Construction Official ninety (90) days prior to transfer, sale or occupancy of a building, structure or premises, a certificate of compliance shall not be required.

(b) Any purchase, sale, transfer or other conveyance, or lease, occupancy, rental, let, or other delivery for occupancy of any building, structure or premises owned by the City of Plainfield.

(c) Any building, structure or premises that is being refinanced where no change in occupancy or ownership will occur.

(d) When any building, structure or premises to be purchased, sold, transferred or conveyed is in such a deteriorated condition that it is unfit for human habitation as determined by the Director of the Division of Inspections or the designee of the Director, then the transfer of such building, structure or premises shall be permitted under the following conditions:

(1) The building, structure or premises is demolished within forty-five (45) days after the purchase, sale, transfer or conveyance is consummated and, if any new development is intended therefor, (a) a building permit for such new development is issued by the Construction Official within forty-five (45) days after such purchase, sale, transfer or conveyance is consummated and (b) a certificate of occupancy with respect

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to such new development is issued by the Construction Official within six (6) months after such purchase, sale, transfer or conveyance is consummated.

(2) If the building, structure or premises is (a) to be rehabilitated or (b) vacant and boarded up and is not in danger of structural collapse:

(A) A notice shall be posted conspicuously on the front of the building, structure or premises stating that the building, structure or premises is unfit for human habitation;

(B) Affidavits shall be furnished by the owner and transferee indicating that each is aware that the building, structure or premises may not be occupied until repairs are completed and a certificate of occupancy is issued by the Construction Official, and that, with respect to the transferee, such transferee agrees to complete renovations and obtain a certificate of occupancy from the Construction Official within six (6) months after such purchase, sale, transfer or conveyance is consummated.

(3) In the event an owner claims an exemption from the provisions of this Article based upon Section 6:5-12(d) (1) or (2), the owner, prior to such purchase, sale, transfer or conveyance, shall complete and file an application for an exemption for obtaining a certificate of compliance with the Director, Division of Inspections. The Director, Division of Inspections, shall determine the contents of the application for an exemption and the form of the Director's approval thereof.

### **6:5-12A. FORECLOSURE/SHORT SALE EXEMPTION.**

The provisions and regulations of this Article shall apply in the following instances:

(a) When a building, structure or premises has been foreclosed upon or foreclosure is imminent or complete, and the bank has entered into an agreement with the purchaser to sell, transfer or convey the property through a short sale, and the building, structure or premises is not accessible for a certificate of compliance inspection, or repair of any violations, an exemption for closing purposes shall be allowed under the following conditions:

(1) The purchaser shall demonstrate through proper documentation that the property is being purchased as a short sale or foreclosure is imminent.

(2) Affidavits shall be furnished by the purchaser indicating that each is aware that the building, structure or premises may not be occupied until a certificate of compliance/occupancy has been issued by the Division of Inspections.

(3) After the closing, and the building, structure or premises, have been transferred, the purchaser will be subject to all of the rules and regulations of a certificate of compliance sale.

(4) The Director of the Division of Inspections or the Director's designee shall make the final determination as to the disposition of the transaction.

### **6:5-13. FINES; PENALTIES.**

(a) Fines. A violation of any section or subsection of this Article shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation committed hereunder. Each violation of a section or subsection of this Article shall constitute a separate and distinct violation independent of any other section or subsection. Each day's failure to comply with any such section or subsection shall constitute a separate violation.

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(b) Penalties. Where an owner, operator or transferor has been convicted of a violation of this Article, and within twelve (12) months thereafter has been found by the Judge of the Municipal Court to be guilty of a second violation of this Article, the Court may, if it finds that the second offense was willful and inexcusable, sentence the offender in addition to or in lieu of the fine set forth in the above paragraph to imprisonment in the county jail for a period of time not to exceed ninety (90) days.

(c) Liability of officers and agents. Where the owner is other than a natural person or persons, the subsections (a) and (b) shall also apply to any agent, superintendent, officer, member, shareholder or partner who shall alone or with others have charge, care or control of the building, structure or premises.

(d) Liability for costs.

(1) Where the owner or operator of a dwelling unit or rooming unit fails to comply with the provisions of this Article and the City of Plainfield is subsequently required to relocate the tenants or occupants of such dwelling unit or rooming unit, the owner or operator, or any combination of them, shall be liable to the City of Plainfield for (1) any and all costs and expenses of relocation and (2) any payment the City of Plainfield is required to make to the relocated tenant.

(2) Where the Director, Division of Inspections, concludes there exists probable cause that a tenant or other occupant will be required to relocate, the owner, operator or any combination of them, shall be required to deposit with the Director, Division of Inspections, Five Hundred Dollars (\$500.00), to be placed in the Relocation Fund. The monies deposited in the Relocation Fund shall be for the purpose of covering the actual costs of relocation. In the event the actual costs for relocation exceed Five Hundred Dollars (\$500.00), then the Director, Division of Inspections, shall assess the owner, operator or any combination of them, such excess amount. In the event the actual costs for relocation are less than Five Hundred Dollars (\$500.00), the Director, Division of Inspections, shall refund to the person who made the deposit, the amount of such overdeposit.

### **6:5-14. SEVERABILITY.**

This Article shall be deemed severable so that in the event any portion thereof is determined to be invalid or otherwise unconstitutional, such determination shall not affect the validity of the remaining provisions hereof.

### **6:5-15. EFFECT ON OTHER MUNICIPAL ORDINANCES.**

Nothing contained in this Article shall exempt any of the buildings, structures or premises covered by this Article from full and complete compliance with any other provision or provisions of any other ordinance or ordinances of the City of Plainfield as the same may be applicable.

## SECTION 7 – DEFINITIONS

The following terms whenever used herein or referred to in this code shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

**ACCESSORY STRUCTURE:** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

**BASEMENT:** The portion of the building that is partly underground, which has more than one-half of its height, measured from clear floor to ceiling, above the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits, or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.

**BATHROOM:** Enclosed space containing one or more bathtubs, showers, or both, and which shall also include toilets, lavatories, or fixtures serving similar purposes.

**BUILDING:** A combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business, or storage purposes.

**BUILDING CODE:** The Building Code of the State of New Jersey.

**CELLAR:** Lowermost portion of the building partly or totally underground, having half or more of its height measured from clear floor to ceiling below the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits, or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the level created by the ditching, pits, or trenching.

**CENTRAL HEATING SYSTEM:** A heating system in a fire resistant closed space or spaces, separate and apart from the area to be heated, which system is permanently affixed on a fireproof base and connected by breaching to a stack in accordance with the Building Code. Direct electric and/or gas-heating systems without the use of a boiler, serving all dwelling units in a structure, are exempt from the above requirements.

**DWELLING:** Any building, or structure, or part thereof, used and occupied for human

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habitation or intended to be used, and includes any appurtenances belonging thereto or used therewith.

**DWELLING UNIT:** A group of interrelated rooms intended or designed for non-transient residential use of one family: (a) separated from the other spaces by lockable doors, (b) having access to the outside without crossing another dwelling, (c) having living, eating and sleeping facilities.

**EMANCIPATED MINOR:** Any person under the age of 21 who is gainfully employed and self supporting or who is married to a spouse who is gainfully employed and who supports the said minor, or who is a student living away from home and in regular attendance at an institution of higher learning.

**EXTERIOR OF THE PREMISES:** Open spaces on the premises outside of any building thereon.

**EXTERMINATION:** The control and extermination of insects, rodents, and vermin by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, trapping, or by other approved means of pest elimination.

**FIRE HAZARD:** The term "fire hazard" shall be defined as follows: (a) any device or condition likely to cause fire and which is so situated as to endanger either persons or property; (b) the creation, maintenance, or continuance of any physical condition by reason of which there exists a use, accumulation, or storage for use of combustible or explosive material sufficient in amount or so located or in such a manner as to put in jeopardy, in event of ignition, either persons or property; (c) the obstruction to or of fire escapes, ladders which may be used as escapes" stairways, aisles, exits, windows, passageways or halls, likely, in the event of fire, to interfere with the operation of the Fire Department or of the safety and ready egress of occupants; and (d) the violation of any rule now or hereafter promulgated by the Fire Department of the City of Plainfield.

**FLOOR AREA, SUPERFICIAL:** The net floor area within the enclosing walls of the room, excluding built-in equipment such as wardrobes, cabinets, closets, kitchen units, or fixtures which are not readily removable and excluding the floor area where the floor to ceiling height is less than four and one half (4 1/2 ') feet.

**GARBAGE:** (See also **REFUSE, RUBBISH**): Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**HABITABLE ROOMS:** Rooms used or designated for use by one or more persons for living or sleeping, or cooking and eating, but not including bathrooms, water closet compartments, laundries, serving and storage pantries, corridors, foyers, vestibules, cellars, heater rooms, boiler rooms, utility rooms, and other rooms or spaces that are

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not used frequently or for an extended period of time or that have less than fifty (50) square feet of superficial floor area.

**HOUSING INSPECTORS:** All officials, officers, or employees of the City of Plainfield entrusted with the enforcement of this code.

**IMMEDIATE FAMILY:** The head of the family, spouse, the parents and children (including adopted children), of either the head of the family or spouse. There shall be a rebuttable presumption that three (3) or more persons occupying any dwelling unit or rooming unit are not related to one another so that any two (2) or more shall be members of an immediate family, and the burden of proving such relationship shall be on the person or persons asserting it.

**INDEPENDENT ROOMING UNIT:** A rooming unit in other than a single family dwelling which opens directly to the exterior of the premises by way of a common hallway, common areaway, common stairway, or door to the exterior of the premises without passing through any other rooming unit or dwelling unit.

**INFESTATION:** The presence of insects, rodents, vermin, or other pests on the premises which constitute a health hazard.

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

**LITTER:** See **RUBBISH**.

**MIXED OCCUPANCY:** Any building containing one (1) or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses or as a hotel. .

**NUISANCE:** (a) Any public nuisance known as public law or in equity jurisprudence, or as provided by the statutes of the State of New Jersey, or in the ordinances of the City of Plainfield; (b) any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors; (c) physical conditions dangerous to human life or detrimental to health of persons on or near premises where the conditions exist; (d) overcrowding of a room with occupants in violation of this code; (e) insufficient ventilation or illumination in violation of this code; (f) inadequate or unsanitary sewage or plumbing facilities in violation of this code; (g) unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this code; (h) whatever renders air, food, or drink unwholesome or detrimental to the health of human beings; and (i) fire hazards.

**OCCUPANT:** Any-person living in, sleeping in, or having actual possession of a dwelling unit or rooming unit, or any person using or having actual possession of any non-residential premises.

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**OPERATOR:** Any person who has charge of, care of, control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

**OWNER:** Any person who, alone or jointly or severally with others shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

**PLUMBING:** All of the following supplies, facilities, and equipment - gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines, and pipes and lines utilized in conjunction with air-conditioning equipment.

**PREMISES:** A lot, plot, or parcel of land including the buildings or structures thereon.

**PUBLIC AUTHORITY:** Any housing authority or any officer who is in charge of any department or branch of the government of the City relating to Health, Fire, Building Regulations, or to other codes or ordinances concerning dwellings in the City of Plainfield.

**PUBLIC OFFICER:** The officer who is authorized by this ordinance to exercise the powers prescribed for him.

**PUBLIC VIEW:** Any premises, or any part thereof, or any building or part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, licensed open air parking lot, or from any adjoining or neighboring premises.

**REFUSE** (see also **GARBAGE, RUBBISH**): All putrescible and non-putrescible solid wastes (except body wastes), including but not limited to garbage, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

**ROOM:** Space in an enclosed building, or space set apart by partition 'or partitions, and any space in a building used or intended to be used as a bedroom, dining room, living room, kitchen, sewing room, library, den, music room, dressing room, enclosed sleeping porch, sun room, party room, recreation room, breakfast room, study, storage room, and similar uses.

**ROOMING UNIT:** Any room or group of rooms forming a single habitable unit other than a dwelling unit, which is rented or available for rent for sleeping purposes.

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**RUBBISH** (see also **GARBAGE, REFUSE**): Non-putrescible solid wastes consisting of both combustible and non-combustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials, commonly known as litter and trash.

**SANITARY SEWER**: Any sanitary sewer owned, operated and maintained by the City of Plainfield, and available for public use for the disposal of sewerage system approved by the Board of Health of the City of Plainfield.

**SEWAGE**: Waste from a flushed toilet, bathtub, sink, lavatory, dishwashing, or laundry machine or the water carried waste from any other fixture or equipment or machine.

**STORY**: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building, included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than four (4) feet above grade, such basement or cellar shall be considered a story.

**STRUCTURE**: Anything constructed, assembled, or erected, the use of which requires location on the ground or underground or attachment to something having location on or in the ground, and shall include fences, walls, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, cam cars, or similar structures on wheels or other supports used for business or living purposes. This includes any structure equipped with a roof, whether permanent or temporary, such as porches, awnings, canopies, swimming pools, summer houses, arbors, balconies, and similar elements, fences and signs, but does not include patios at grade or unroofed surfaces prepared for sports. The word "structure" shall not apply to utility services entirely below the ground.

**SUPERFICIAL FLOOR AREA**:  
(see **FLOOR AREA, SUPERFICIAL**)

**VENTILATION**: Supply and removal of air to and from any space by natural or mechanical means.

**VENTILATION, MECHANICAL**: Ventilation by power-driven devices.

**VENTILATION, NATURAL**: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.

**WATER CLOSET COMPARTMENT**: Enclosed space containing one or more toilets, which may also contain one (1) or more lavatories, urinals, and other plumbing fixtures.

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**WASHROOMS:** Enclosed space containing one (1) or more bathtubs, showers, or both and which shall also include toilets, lavatories, or fixtures serving similar purposes.

**MEANING OF CERTAIN WORDS:**

Whenever the words "accessory structure", "building", "dwelling", "dwelling unit", "habitable room", "independent rooming unit", "premises", "room", "rooming unit", or "structure" are used in this code, they shall be construed, unless expressly stated to the contrary, to include the plurals of these words and as if they were followed by the words "or any part thereof". The word "shall" shall be applied retroactively as well as prospectively.