

CHAPTER XII

BUILDING AND HOUSING

ARTICLE I

GENERAL PROVISIONS

12-1 STATE UNIFORM CONSTRUCTION CODE.

12-1.1 Establishment of Enforcing Agency.

- a. There is hereby established in the Township a State Uniform Construction Code enforcing agency to be known as the “Rockaway Township Uniform Construction Enforcing Agency” (hereinafter referred to as the “Enforcing Agency”), consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other Subcode officials for such additional Subcodes as the Commissioner of the Department of community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the Enforcing Agency.
- b. Each official position created in paragraph a. hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c. 217, as amended, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one (1) such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, c. 217, and N.J.A.C. 5:23 to hold each such position.

(Ord. 12-21-76 § 35-1)

12-1.2 Construction Board of Appeals.

- a. *Established.* There is hereby established a Construction Board of Appeals to hear appeals from decisions by the Enforcing Agency as regulated by Uniform Construction Code of the State of New Jersey (UCC 5:23 et seq.). All appeals shall be referred to the Morris County Construction Board of Appeals as referenced above.
- b. A filing fee for appeals to be considered by the Construction Board of Appeals is one hundred (\$100.00) dollars.

(Ord. 12/21/76 § 35-2; Ord. 3-1-83)

12-1.3 Fees.

- a. The fee for a construction permit shall be the sum of the Subcode Fees listed in paragraphs a, I through 4 hereof and shall be paid before the permit is issued.
 1. The Building Subcode Fees shall be:
 - (a) For new construction or additions of residential, business, commercial, and industrial, up to one million (1,000,000) cubic feet is \$0.025 per cubic foot. Over one million (1,000,000) cubic feet is \$0.023 per cubic foot.
 - (b) For renovation, alteration, interior demolition and repairs of residential, twenty-one (\$21.00) dollars per one thousand (\$1,000.00) dollars of the estimated cost of the work, provided that the minimum fee shall be fifty (\$50.00) dollars.
 - (c) For renovation, alteration, interior demolition and repairs of commercial, industrial, and business, thirty (\$30.00) dollars per one thousand (\$1,000.00) dollars of the estimated cost of the work, provided that the minimum fee shall be fifty (\$50.00) dollars.
 - (d) For combinations of renovations and additions, the sum of the fees computed separately as renovations and additions.
 - (e) Aluminum siding and reroofing, thirty (\$30.00) dollars for the first one thousand (\$1,000.00) dollars of estimated work and ten (\$10.00) dollars for each one thousand (\$1,000.00) dollars of estimated work thereafter. The minimum fee is thirty (\$30.00) dollars.
 - (f) For the construction of a swimming pool, the following fee shall apply:
 - (1) Residential, aboveground pools: seventy-five (\$75.00) dollars.
 - (2) Residential, in-ground pools: one hundred seventy-five (\$175.00) dollars.
 - (3) Commercial pools: seven hundred (\$700.00) dollars.

(4) Four-foot fence: forty (\$40.00) dollars.

(g) Wood, pellet, coal stoves:

(1) Fee review and inspections: fifty (\$50.00) dollars.

(2) Chimney replacement and liners: fifty (\$50.00) dollars.

(3) Fireplace and chimney: ninety (\$90.00) dollars each. Includes masonry or prefabricated fireplace.

(h) Minimum fee for the building subcode is fifty (\$50.00) dollars.

(i) The fee for radon piping and/or mitigation is thirty-five (\$35.00) dollars.

2. Plumbing Subcode Fees. Plumbing fixtures shall include, but not be limited to, sinks, toilets, bathtubs, shower stalls, hose bibs, dishwashers, floor drains, stacks, and similar fixtures.

Plumbing appurtenances shall include, but not be limited to, devices, a manufactured device, or an on-the-job assembly of component parts, which is an adjunct to the basic piping system and plumbing fixtures, pressure reducing valves, back water valves, vacuum breakers, grease traps, interceptors, solar water heaters, pool entrapment prevention devices and similar devices.

Plumbing appliances shall include but not be limited to tankless heaters, heat exchangers, water storage tanks, water pressure booster systems, sump pumps, dishwashers, ice makers, instant hot water coils, sterilizers, aspirators, water-cooled air-conditioning units, water conditioners, and similar equipment.

(a) The fee for the installation or replacement of a plumbing fixture is twenty (\$20.00) dollars for each plumbing fixture.

(b) The fee for installation or replacement of a plumbing appurtenance and/or special device is seventy-five (\$75.00) dollars for each plumbing appurtenance and/or special device.

(c) Backflow prevention device:

(1) The fee for backflow prevention devices that do not require ongoing inspections is thirty (\$30.00) dollars.

(2) For testable backflow prevention devices, the fee is seventy-five (\$75.00) dollars for each device, for each inspection.

(d) The fee for the installation or replacement of a plumbing appliance is fifty (\$50.00) dollars.

EXCEPTION: When installed in use group R-3 and R-4 in new construction or a complete renovation, the fee for dishwashers, ice makers, instant hot water coil is twelve (\$12.00) dollars.

(e) The fee for the installation of a house or building sewer and/or water service connection pipe is sixty-five (\$65.00) dollars.

(f) The fee for the installation of a lawn sprinkler system is five (\$5.00) dollars for each sprinkler head.

(g) The fee for installation or replacement of subsoil drains is twenty-five (\$25.00) dollars.

(h) The fee for the removal or abandonment in place of a sewage disposal system and/or septic tank is thirty-five (\$35.00) dollars.

(i) The fee for the installation or replacement of roof drains and/or area drains is thirty-five (\$35.00) dollars per drain.

(j) The fee for gas supply line piping and the required pressure test is forty-five (\$45.00) dollars.

(k) The fee for each gas appliance connection to the gas supply line is fifteen (\$15.00) dollars.

(l) The fee for the installation or replacement of oil lines and/or oil tank piping is thirty-five (\$35.00) dollars.

(m) Hot water heaters:

(1) Commercial is sixty-five (\$65.00) dollars.

- (2) Residential is forty (\$40.00) dollars.
- (n) Steam/hot water boiler:
 - (1) Commercial is fifty-five (\$55.00) dollars.
 - (2) Residential is forty-five (\$45.00) dollars.
- (o) The fee for a sewage ejector is forty-five (\$45.00) dollars.
- (p) The fee for liquid petroleum gas tanks (propane) is:
 - (1) 0-999 gallons sixty-five (\$65.00) dollars.
 - (2) 1000 or more gallons ninety (\$90.00) dollars.
- (q) The minimum fee for any permit for the plumbing subcode is fifty (\$50.00) dollars.

3. The Fire Subcode Fees shall be:

- (a) Gas heating (including all gas burning equipment such as furnaces, dryers, ovens, space heaters, etc., except domestic hot water heaters):
 - (1) Commercial or public buildings and all apartments, installation or conversion, first unit, seventy-five (\$75.00) dollars; for each additional unit, twenty-five (\$25.00) dollars.
 - (2) Residential building installation or conversion, first unity (\$50.00) dollars; for each additional unit, twenty-five (\$25.00) dollars.

(b) Oil (oil burning or oil storage equipment):

<i>Capacity of Tank (Gallons)</i>	<i>Fee</i>
0-999	\$75.00
1,000-2,999	\$100.00
3,000-4,999	\$150.00
5,000 and over	\$200.00

- (1) For the removal of the tank, one-half (1/2) the stated fee.
- (2) Fees for oil burning equipment shall be the same as listed for gas fired equipment.

(c) Gasoline or chemical storage tanks:

- (1) Inground, 0-5,000 gallons: three hundred fifty (\$350.00) dollars.
- (2) Inground, over 5,000 gallons: five hundred (\$500.00) dollars.
- (3) Aboveground, 0-5,000 gallons: three hundred fifty (\$350.00) dollars.
- (4) Aboveground, over 5,000 gallons: five hundred (\$500.00) dollars.

For removal of any of the above tanks, one-half (1/2) of the state fee.

(d) Sprinkler systems:

(1) <i>No. of sprinkler heads</i>	<i>Fee</i>
1-25	\$75.00
26-150	\$165.00
151-300	\$315.00
Over 300	\$450.00

Plus two (\$2.00) dollars per head in excess of 300 heads.

- (2) Backflow preventor: seventy-five (\$75.00) dollars each.
- (3) For hydraulically designed systems, multiply the above fees by two (2). Standpipes using the same supply as the automatic sprinklers are included in the fee.
- (4) Central stations including smoke detectors and alarm systems is one hundred fifty (\$150.00) dollars.
- (5) Smoke and carbon monoxide detectors for residential are twelve (\$12.00) dollars per detector. Maximum fee is fifty-five (\$55.00) dollars.
- (6) Carbon dioxide suppression systems: one hundred (\$100.00) dollars plus one (\$1.00) dollar per pound in excess of one hundred seventy-five (175) pounds of agent.

(7) Dry chemical suppression system: one hundred (\$100.00) dollars plus one (\$1.00) dollar per pound in excess of thirty (30) pounds.

(8) Foam suppression system: one hundred (\$100.00) dollars per fifty (50) gallons of foam concentrate.

(9) Fire or kitchen exhaust systems:

Residential	\$30.00 each
Commercial:	\$125.00 each

(d) Standpipe systems: two hundred twenty-nine (\$229.00) dollars.

(e) Alarm signaling devices: fifteen (\$15.00) dollars.

(f) Minimum fee for the fire subcode is fifty dollars.

4. The Electrical Subcode Fees shall be:

(a) Electrical fixtures and devices: For from one (1) to fifty (50) fixtures or devices: forty (\$40.00) dollars. For each twenty-five (25) fixtures or devices in addition to the first fifty (50): nine (\$9.00) dollars. For the purpose of computing this fee, fixtures or devices shall include lighting outlets, wall switches, fluorescent fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one (1) horsepower or one (1) kilowatt.

(b) Motors:

(1) One (1) to ten (10) horsepower: twenty (\$20.00) dollars.

(2) Eleven (11) to fifty (50) horsepower: forty-six (\$46.00) dollars.

(3) Fifty-one (51) to one hundred (100) horsepower: ninety-two (\$92.00) dollars.

(4) One hundred one (101) horsepower or greater: four hundred fifty-seven (\$457.00) dollars.

(c) Electrical devices, transformers, generators:

- (1) One (1) to ten (10) kilowatt: twenty (\$20.00) dollars.
- (2) Eleven (11) to forty-five (45) kilowatt: forty-six (\$46.00) dollars.
- (3) Forty-six (46) kilowatt and more: four hundred fifty-seven (\$457.00) dollars.

(d) Service panel, service entrance or sub panel:

- (1) Zero (0) to two hundred (200) amps: fifty (\$50.00) dollars.
- (2) Two hundred (200) to four hundred (400) amps: one hundred (\$100.00) dollars.
- (3) Four hundred (400) to one thousand (1,000) amps: one hundred fifty (\$150.00) dollars.
- (4) Greater than one thousand (1,000) amps: four hundred fifty-seven (\$457.00) dollars.
- (5) Motor control center: seventy-five (\$75.00) dollars.

(e) Pools:

- (1) Pool with underwater lights: fifty (\$50.00) dollars.
- (2) Storable pool/spa hot tub: forty-six (\$6.00) dollars.
- (3) Pool bonding: fifty (\$50.00) dollars.
- (4) Pool walkway bonding (when wire mesh in concrete): fifty(\$50.00) dollars
- (5) Annual pool inspections (excluding pools located on properties containing one and two family dwellings): sixty-five (\$65.00) dollars.

(f) Illuminated signs: sixty-five (\$65.00) dollars.

(g) Minimum fee for the electrical subcode is sixty (\$65.00) dollars.

5. The fee for plan review is twenty (20%) percent of the amount to be charged for the construction permit and paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of fee to be charged for the construction permit.
6. Demolition:
 - (a) The fee for demolition of a building or structure is one hundred fifty (\$150.00) dollars.
 - (b) The fee for demolition of an aboveground pool is fifty (\$50.00) dollars.
 - (c) The fee for demolition of an inground pool is one hundred (\$100.00) dollars.
 - (d) The fee for demolition of a shed is thirty (\$30.00) dollars.
7. Signs. The fees for a permit to construct a sign is:
 - (a) Roof, projecting, pole sign, or billboard: two hundred (\$200.00) dollars.
 - (b) Flat sign and any other type: seventy-five (\$75.00) dollars.
 - (c) Construction signs: seventy-five (\$75.00) dollars per sign.
8. Certificate of Occupancy:
 - (a) Residential: sixty-five (\$65.00) dollars.
 - (b) Commercial: a minimum fee of one hundred twenty-five (\$125.00) dollars up to a maximum fee of two hundred fifty (\$250.00) dollars. (Fifty (\$50.00) dollars per one thousand (\$1,000.00) dollars).
 - (1) Continued occupancy in addition to above will be the minimum fee for each subcode inspection.
9. Elevator Fees.
 - (a) Elevator safety and testing fees are those fees set forth in subchapter 5:23-12.6 of the Uniform Construction Code Act, New Jersey Administrative Code, which is herein

adopted by reference and in addition to the fees specified therein, all fees shall be paid to the Department of Elevator Safety of the Department of Community Affairs and all inspections shall be performed by the Department paid to the Township.

10. Temporary structures. The fee for construction trailers and equipment trailers is one hundred fifty (\$150.00) dollars.

b. *Surcharge Fee:*

1. In order to provide for the training, certification, and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee in the amount set forth by the Bureau of Housing Inspections, Department of Community Affairs.

- c. *Variance.* Application from the Construction Code requirements shall be one hundred (\$100.00) dollars for residential and three hundred (\$300.00) dollars for commercial, industrial, etc.

(Ord. 12-21-76 § 35-3; Ord. 7-1-80; Ord. 3-1-83; Ord. #89-26 § 1; Ord. #92-12 §§ 1, 2; Ord. #92-17 § 1; Ord. #96-23 §§ 1-6; Ord. #11-2 § 8)

12-2 COUNTY HOUSING AUTHORITY.

12-2.1 Legislative Authority; Inclusion within County Operation.

Pursuant to the provisions of the Local Housing Authorities Law (Laws of 1946, Chapter 19, as amended and supplemented), the Township of Rockaway hereby consents to be included within the area of operation of the body corporate and politic known as the "Housing Authority of the County of Morris."

(Ord. 2-18-75 § 16-1)

12-2.2 Filing of Copies.

A copy of this ordinance, duly certified by the Township Clerk, shall forthwith be filed by the Township Clerk with the Commissioner of the New Jersey Department of Consumer Affairs, the Board of Chosen Freeholders of the County of Morris and the Housing Authority of the County of Morris.

(Ord. 2-18-75 § 16-2)

12-3 HEATING OF RESIDENCES.

12-3.1 Heating Requirements for Residences Occupied by Two or More Families.

The owner or owners of any building within the Township designed to be occupied as residence by more than two (2) families, and when the owner has agreed to supply heat, shall provide heat in accordance with the requirements of the New Jersey State Housing Code or the Regulations for Maintenance of Hotels and Multiple Dwellings, Chapter 10 of Title 5 of N.J.A.C., whichever is applicable.

12-3.2 Violations and Penalties.

Heating Violations of N.J. State Housing Code shall be subject upon conviction before the Judge. Violation of the Maintenance of Hotels and Multiple Dwelling Act shall be referred to the Commissioner of the Department of Community Affairs for follow-up enforcement actions.

12-4 CONDOMINIUM OR COOPERATIVE CONVERSION.

12-4.1 Administrative Agency Designated.

The Township Clerk is hereby assigned the responsibility of the Administrative agency pursuant to the New Jersey Senior Citizens and Disabled Persons Protected Tenancy Act.
(Ord. 3-4-86 § 7A-1)

12-4.2 Fees for Directing Notice of Intention to Register for Conversion.

The fee for directing “notice of intention to register for conversion” to tenants of a building prior to conversion to condominium or cooperative is as follows:

- a. Notice up to and including ten (10) tenants will be five hundred (\$500.00) dollars.
- b. Notice to the eleventh and subsequent tenants shall be fifty (\$50.00) dollars per tenant.

(Ord. 3-4-86 § 7A-2)

12-5 HOUSE NUMBERING SYSTEM FOR GREEN POND AND LAKE END.

12-5.1 History.

The Green Pond Corporation and the Lake End Corporation recently completed a street indexing and house numbering system in cooperation with

both the Township Engineering Department as well as the United States Postal Service, and;

Prior to the adoption of this system, there was no coherent order or logic in the house numbering system in this area of the Township, and;

Evidence reveals that most homes and properties were either duplicated, misnumbered or unnumbered resulting in confusion and chaos not only to the postal authorities but to Township emergency service personnel.
(Ord. #90-1, Preamble)

12-5.2 Adoption of Numbering System.

The Street Indexing System prepared by the Green Pond Corporation and the Lake End Corporation entitled “Recommendations of Green Pond and Lake End Corporation for Street Indexing” is hereby adopted and the street numbering system as set forth in that report is adopted as the official street indexing for the houses in the Green Pond and Lake End Communities.
(Ord. #90-1 § I)

12-5.3 Copy on File.

A copy of this document shall be maintained and on file with the Township Clerk and available for public inspection.
(Ord. #90-1 § II)

12-6 NUMBERING OF HOUSES ON OLD MIDDLETOWN ROAD.

12-6.1 History.

The Township Engineer discovered duplicate house numbers of eleven (11) properties on Old Middletown Road which can cause confusion in the delivery of mail and response by emergency equipment. The Township Engineer has proposed a new house numbering system for the eleven (11) properties on the street to resolve the conflict.
(Ord. #97-18 § 1)

12-6.2 Adoption of Numbering System.

The proposed house renumbering of eleven (11) properties on Old Middletown Road shown on a Map entitled: “Old Middletown Road, Township of Rockaway, Morris County, New Jersey,” prepared by R.J. McKinnon, Township Engineer dated January 3, 1997 consisting of one (1) sheet and a two (2) page list entitled: “Proposed Renumbering, Old Middletown Road,” are hereby adopted as amending the official street indexing for the houses on Old Middletown Road.

(Ord. #97-18 § 1)

12-6.3 Notification of Postmaster.

The Postmaster of the Rockaway and Wharton Postal Districts shall be notified of the changes.

(Ord. #97-18 § 2)

12-6.4 Copy of Map on File.

A copy of the Township Engineer's Map shall be maintained and on file with the Township Clerk and available for public inspection.

(Ord. #97-18 § 3)

12-7 9-1-1- ADDRESS SYSTEM IN HIBERNIA.

12-7.1 History.

The Township Engineer discovered forty-two (42) properties in the Hibernia section of the Township that do not have house numbers or have addresses which can be confused with other homes for the delivery of mail and response by emergency personnel. The Township Engineer has proposed a 9-1-1- address system to resolved the conflict.

(Ord. #98-18 § 1)

12-7.2 Renaming Upper Hibernia Road and Sunnyside Road.

Upper Hibernia Road in the Hibernia section is renamed Lower Hibernia Road and Sunnyside Road is renamed South Sunnyside Road. The new names for said streets shall be shown on the Township's Official Tax Map.

(Ord. #98-18 § 1)

12-7.3 Adoption of 9-1-1 Locatable Address System.

The proposed 9-1-1 locatable address system to change the street addresses of forty-two (42) properties located on various streets in the Hibernia section of the Township as shown on a Map entitled: "Proposed 9-1-1 Locatable Address System, Hibernia Section, Township of Rockaway, Morris County, New Jersey," prepared by Lisa Z. Ryden, Township Engineer dated November 21, 1997 consisting of one (1) sheet.

(Ord. #98-18 § 1)

12-7.4 Designation of Properties and Addresses.

The following properties indicated by Lot and Block as shown on the Official Tax Map of the Township of Rockaway and the current owners thereof

and addresses where tax bills are sent, are hereby given the addresses as shown under the column labeled "Proposed Address";

Block	Lot	Owner's Name and Address	Proposed Address
22302	3	David Truesdale New Row Road Hibernia, NJ 07842	5 New Row Road
22302	4	Angelo Rosario, et al 376 South Morris Street Randolph, NJ 07869	7 New Row Road
22302	5	Mrs. Andrew Novak & Juliana Novak New Row Road Hibernia, NJ 07842	9 New Row Road
22302	6	Bertha Novak New Row Road Hibernia, NJ 07842	11 New Row Road
22302	7	Chas. & Genevieve Russo 27 George Street Mine Hill, NJ 07803	15 New Row Road
22302	8	Norman McAlisster, Jr. & Doris New Row Road Hibernia, NJ 07842	17 New Row Road
22303	1	Brenda K. Dooley New Row Road Hibernia, NJ 07842	8 New Row Road
22303	3	Kathleen & Joseph Chabot New Row Road Hibernia, NJ 07842	12 New Row Road
22303	4	Anna Karpak c/o Charles Messier St. Meinard Seminary St. Meinard, Indiana 47577	16 New Row Road
22303	5	Steven & Anna Minetti 14 Second Street Hibernia, NJ 07842	14 Holly Road

22303	6	Richard & Judith Thatcher 16 Second Street Hibernia, NJ 07842	16 Holly Road
22303	7	Wesley Ogden 17 Second Street Hibernia, NJ 07842	17 Holly Road
22304	3	Mrs. Joseph O'Connor Church Road Hibernia, NJ 07842	8 Church Street
22306	1	Mrs. Hugh E. Mason 415 Green Pond Road Hibernia, NJ 07842	6 School Road
22308	1	Rockaway Township Board of Education P.O. Box 500 Hibernia, NJ 07842	16 School Road
22309	6	Stephen Chovanec Maple Terrace Hibernia, NJ 07842	18 Maple Terrace
22310	2	John E. Stalter Dudak Road Hibernia, NJ 07842	15 Dudak Road
22310	4	Fredrick W. Cunningham Dudak Road Hibernia, NJ 07842	7 Dudak Road
22310	5	Mary M. Dudak Maple Terrace Hibernia, NJ 07842	9 Maple Terrace
22311	4	Walter & Irene Robak, Jr. Dudak Road Hibernia, NJ 07842	24 Dudak Road
22311	5	Ole Rottengen Dudak Road Hibernia, NJ 07842	20 Dudak Road

22311	7	Maria Battista Dudak Road Hibernia, NJ 07842	14 Dudak Road
22311	8	David P. Wainwright Dudak Road Hibernia, NJ 07842	10 Dudak Road
22311	9	Robt. V. & Jacqueline Brennan Dudak Road Hibernia, NJ 07842	4 Dudak Road
22311	10	Gary P. & Dian T. Wade Maple Terrace Hibernia, NJ 07842	31 Maple Terrace
22311	11	Jan & Irene Kristiansen P.O. Box 268 Hibernia, NJ 07842	35, 39 & 43 Maple Terrace (three dwellings)
22312	2	John & Teresa Sopchak Maple Terrace Hibernia, NJ 07842	22a, 22b & 22c Maple Terrace (multi-family)
22312	3	Richard A. Wood Maple Terrace Hibernia, NJ 07842	24 Maple Terrace
22312	4	David Mateck P.O. Box 82 Maple Terrace Hibernia, NJ 07842	26 Maple Terrace
22312	5	Victoria A. Robinson Maple Terrace Hibernia, NJ 07842	30 Maple Terrace
22312	6	Donald M. Erickson Maple Terrace Hibernia, NJ 07842	42 Maple Terrace
22312	7	Robt. E. & Sonia Tornquist 98 Columbia Road Morristown, NJ 07860	52 Maple Terrace
30602	1	Douglas & Tatiana Dillon	19 Lower Hibernia

		Sunnyside Rd, RD 1 Hibernia, NJ 07842	Road
30603	1	Karon Lee Wirtz Sunnyside Road Hibernia, NJ 07842	20 Lower Hibernia Road
30603	3	Herman E. Mehlig, Jr. Upper Hibernia Road Hibernia, NJ 07842	5 South Sunnyside Road
30604	1	David & Deborah Tanner Sunnyside Rd, RD 1 Hibernia, NJ 07842	16a & 16b Lower Hibernia Road (multi-family)
30604	2	John & Susan Banfield Sunnyside Rd, RD 1 Hibernia, NJ 07842	10 South Sunnyside Road
30604	3	Estate of Agnes Bobo c/o Wm. Bobo 107 Penn Avenue Dover, NJ 07801	12 South Sunnyside Road
30604	4	Marie A. Coppola Sunnyside Rd, RD 1 Hibernia, NJ 07842	6 South Sunnyside Road
30604	5	Nina Nasser Sunnyside Road, RD 1 Hibernia, NJ 07842	12a & 12b Lower Hibernia Road (multi-family)
30604	6	Craig Robinson 28 Old Mill Drive Denville, NJ 07834	14 Main Road
30606	1	Louise Post 8 Main Street Hibernia, NJ 07842	1 Main Road

(Ord. #98-18 § 1; Ord. #98-24 § 1)

12-7.5 Notification of Postmaster.

The Postmasters of the Rockaway, Dover and Hibernia Postal Districts, the Tax Assessor and Tax Collector shall be notified of the changes.

(Ord. #98-18 § 2; Ord. #98-24 § 2)

12-7.6 Copy of Map on File.

A copy of the Township Engineer's Map shall be maintained and on file with the Township Clerk and available for public inspection.
(Ord. #98-18 § 3; Ord. #98-24 § 3)

12-7A AUTOMATED EXTERNAL DEFIBRILLATORS.

12-7A.1 Purpose.

The purpose of this section is to promote public health, safety, and welfare by improving emergency care response times to those suffering from sudden cardiac arrest, thereby improving chances of survival. The requirements of this section are intended to facilitate faster emergency response in large buildings and/or buildings with large numbers of occupants where first responder access may be impeded due to building use, occupancy, location, layout, construction, or other reasons. This section is not intended to create a new standard of care.
(Ord. No. 10-6 § 1)

12-7A.2 Definitions.

As used in this section:

Automated external defibrillator ("AED") shall mean as specifically defined in N.J.S.A. 2A:62A-24.
(Ord. No. 10-6 § 1)

12-7A.3 New Construction Requiring AEDs.

a. Prior to the issuance of a certificate of occupancy, for all newly constructed buildings with occupant loads in excess of two hundred (200) or for a change in tenancy or ownership of existing buildings with occupancy loads in excess of two hundred (200), AEDs shall be installed in accordance with this Section 12-7A. The occupant load shall be determined based on the occupant load factors in the Uniform Construction Code.
(Ord. No. 10-6 § 1)

12-7A.4 Location of AEDs.

a. AEDs shall be conspicuously placed and readily accessible in the event of an emergency. AEDs shall be mounted such that the top of the AED is no more than five (5) feet above floor level.

- b. One (1) AED shall be placed at the main entrance of every floor.
- c. AEDs shall be located one each floor such that the maximum length of travel measured from the most remote point on a floor to any AED shall not exceed three hundred (300) feet.
- d. AEDs shall be located on each floor such that the maximum length of travel between any two (2) AEDs shall not exceed six hundred (600) feet.

(Ord. No. 10-6 § 1)

12-7A.5 Installation, Repair and Training.

- a. The building owner shall ensure that annual written certification of the AED is provided to the Fire Marshal verifying that any AED required pursuant to this section is in good working condition and has received necessary maintenance.

(Ord. No. 10-6 § 1)

12-7A.6 Penalty.

Any person, firm or corporation found guilty in the Municipal Court for violation of the term of this section shall be subject to a fine not to exceed two thousand (\$2,000.00) dollars or imprisonment for a period not to exceed ninety (90) days or both.

(Ord. No. 10-6 § 1)

ARTICLE II

OCCUPANCY STANDARDS

12-8 PURPOSE.

The purpose of this article is to insure the health, safety and welfare of all residences and visitors of the Township of Rockaway by establishing minimum standards governing the condition and occupancy of residential premises; to establish minimum standards governing the physical components and conditions essential to make the aforesaid facilities fit for human habitation, use and occupancy; to fix certain responsibilities on the owner, operators, as well as the occupants of said facilities; to authorize and establish procedures for the inspection of residential premises; to fix penalties for any violation of this code; and it is intended that this Article be liberally construed to effectuate the purposes stated herein.

(Ord. #06-28 § 3)

12-9 DEFINITIONS.

Bedroom shall mean any room containing a bed or convertible bed used primarily for sleeping that contains at least one (1) openable egress window facing directly to the outdoors or to a courtyard. Every bedroom must have access to at least one (1) bathroom without passing through another bedroom. Bedrooms shall not constitute the only means of access to other bedrooms. Kitchens, bathrooms, closets, halls, storage or utility spaces, common areas, and similar areas shall not be utilized as bedrooms.

Common areas shall mean the rooms within the dwelling unit shared by all occupants for non-sleeping purposes.

Dwelling unit shall mean a building or part of a building consisting of a single unit, providing complete, independent living facilities, intended for occupancy as a residence for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enforcement officer shall mean the Zoning Officer, Construction Code Official, Fire Inspector, Health Officer, Police Officer, or his/her authorized designee.

Habitable space shall mean a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Living space shall mean the space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

Permitted occupancy shall mean the number of individuals permitted to reside in the dwelling pursuant to the square footage of each bedroom as set forth in this Article.

Prohibited bedrooms are any room or space containing a bed, convertible bed, or used for sleeping purposes that does not meet the definition of bedroom as contained herein.

Occupant shall mean any person living or sleeping in a building; or having possession of a space within a building. For the purpose of this Article, a child under one (1) year of age shall not be considered an occupant.

Overcrowding shall mean a dwelling unit that has more individuals residing therein than square footage available in the permitted bedrooms to accommodate all occupants, as determined by the number of permitted

bedrooms and the permitted occupancy of each bedroom. Dwelling units shall not be occupied by more occupants than allowed under permitted occupancy.

Single-family shall mean one (1) or more persons customarily living together as a single housekeeping unit, whether related or not related to each other by birth or marriage, as distinguished from a group of individuals, not related, living together, financially independent of one another.
(Ord. #06-28 § 2)

12-10 OCCUPANCY STANDARDS.

12-10.1 Minimum Standards.

All residential dwellings shall meet the following requirements:

- a. Every bedroom occupied by an occupant shall contain at least seventy (70) square feet of floor area and every bedroom occupied by more than one (1) person shall contain at least fifty (50) square feet of floor area for each other occupant thereof.
- b. Every bedroom shall have access to at least one(1) bedroom without passing through another bedroom.
- c. A bedroom shall not constitute the only means of access to other bedrooms or habitable space.
- d. No kitchen, foyer, vestibule, or living area used in common by residents of a dwelling unit shall be used for sleeping purposes.
- e. Basements with habitable spaces and every sleeping room shall have at least one (1) openable emergency escape and rescue opening.

(Ord. #06-28 § 2)

12-10.2 Basements for Human Habitation.

Basements may be used for human habitation provided:

- a. There is a minimum ceiling height of seven (7) feet in at least seventy-five (75%) percent of living area.
- b. There is sufficient light and ventilation and at least fifty (50%) percent is above grade.
- c. All furnaces or other heating facilities are located separate and insulated from the living areas by fireproof partitions or walls

necessary so that the same do not constitute an undue hazard to the safety and health of the occupants.

- d. The habitable area is free from visible moisture and seepage at all times.

(Ord. #06-28 § 2)

12-11 OCCUPANCY RESTRICTIONS FOR DWELLING UNITS.

12-11.1 Violations of Permitted Occupancy.

A dwelling unit is in violation of exceeding the permitted occupancy if any of the following exist:

- a. The dwelling unit contains prohibited bedroom(s).

- b. The dwelling unit is one in which an overcrowding situation exists.

(Ord. #06-28 § 2)

12-11.2 Proof Occupants are a Single Family.

A dwelling unit in which a single family resides, that is technically considered to be in violation of exceeding the permitted occupancy, may not be subject to the violation. The occupants shall have the burden of proving that they are a single-family.

(Ord. #06-28 § 2)

12-12 INSPECTIONS.

12-12.1 Premises Subject to Inspection.

All buildings and premises subject to this Article are subject to inspection from time to time by an enforcing officer of the Township. At the time of inspection, all rooms in the building and all parts of the premises must be available and accessible for such inspection.

(Ord. #06-28 § 2)

12-12.2 Enforcement Officers; Official Identification; Conduct.

All enforcement officers shall be supplied with official identification issued by the Township and upon request shall exhibit such identification when entering any dwelling unit or any part of any premises subject to this code. All enforcement officers shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

(Ord. #06-28 § 2)

12-12.3 Refusal of Access to Premises – Violation.

Where an enforcement officer is refused entry or free access or is otherwise impeded, inhibited, restricted, obstructed, or prevented by the owner/occupant, or someone acting on his/her behalf, from conducting an inspection of the premises or any part thereof, such person shall be in violation of this Article.

(Ord. #06-28 § 2)

12-12.4 Search Warrants.

If deemed necessary, due to extenuating circumstances, a search warrant may be obtained from the Township Municipal Court, pursuant to law. Any inspection conducted in connection with a duly issued search warrant shall be accompanied by a uniformed Police Officer.

(Ord. #06-28 § 2)

12-13 VIOLATIONS.

12-13.1 Issuance of Summons.

The enforcement officer, on discovery of a violation of this Article, may immediately issue a summons, answerable in Municipal Court, to any person or entity who is in violation of any section of this Article. For each and every violation, a separate summons may be issued.

(Ord. #06-28 § 2)

12-13.2 Service of Summons.

The summons may be served personally or by certified mail, return receipt requested, at the last known address of the owner or any address made known to the Township, and/or in the case of a violation by an occupant, may be posted on the door of the dwelling unit.

(Ord. #06-28 § 2)

12-13.3 Penalties for Violations.

An individual or entity found to be in violation of overcrowding, as set forth in this Article, shall be subject to a fine in an amount not to exceed two thousand five hundred (\$2,500.00) dollars for the first violation, five thousand (\$5,000.00) dollars for the second violation, and ten thousand (\$10,000.00) dollars for all subsequent violations.

(Ord. #06-28 § 2)

12-14 EMERGENCY MEASURES.

Where violations or conditions on the premises constitute an immediate threat to life or limb unless abated without delay, the enforcement officer may either abate the condition immediately or order the owner or occupant to correct the violation or condition within a period of time not to exceed three (3) days, or upon failure to do so, the enforcement officer shall abate the condition immediately thereafter.
(Ord. #06-28 § 2)

12-15 RECOVERY OF COSTS.

When the abatement of a condition so as to bring the premises into compliance with municipal ordinances or state law requires the expenditure of municipal funds, the appropriate Township official shall present a report of the proposed work to the Township Administrator with an estimate of the cost thereof and a copy of the notices provided to the owner and/or occupant. The Township Administrator shall review and recommend the undertaking of remedial work and the adoption of an authorizing resolution to the Township Council for their consideration. Upon passage of the resolution, the appropriate Township Official shall undertake the necessary work, the cost of which shall not exceed the amount set forth in the authorizing resolution. Upon completion of the specified work, a report, including the total expenditure, shall be submitted to the Township Administrator and Council for approval, whereupon same shall become a lien against the said property, collectible as provided by law. A copy of the resolution approving the expenditure shall be filed with the Township Tax Collector and served upon the owner/occupant along with the report supporting same.
(Ord. #06-28 § 2)

12-16 REFERRAL OF OTHER VIOLATIONS.

Any violation of an ordinance other than this Article discovered by an enforcement officer during an authorized inspection shall be reported to the official or agency responsible for enforcement of said other ordinance.

Any Township Official who witnesses a violation of this Article during an authorized visit or inspection of a dwelling unit shall refer said violation to the appropriate enforcing officer for inspection.
(Ord. #06-28 § 2)

12-17 APPLICABILITY.

The provisions of this Article shall apply to every residential building situated in the Township of Rockaway used or intended to be used for occupancy purposes, whether or not such building shall have been constructed, altered, or repaired before or after the enactment of this code and

their respective building permits or licenses which may have been issued for the use and occupancy of the building previously.
(Ord. #06-28 § 2)