

ORDINANCE NO. 3539-20

AN ORDINANCE AMENDING CHAPTER 78 ENTITLED "PROPERTY MAINTENANCE", SECTIONS 4, 5, AND 6 RESPECTIVELY ENTITLED "TITLE", "FILING OF COPIES", AND "REVISIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 78 entitled "Property Maintenance", Sections 4, 5, and 6 Respectively Entitled "Title", "Filing of Copies", and "Revisions" of the Code of the Borough of Rutherford, shall be amended and that those portions of the Ordinance set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

§78-4 Title [Amended 11-23-1993 by Ord. No. 2693-93]

The said code established and adopted by this chapter is described and designated as the "~~BOCA National Property Maintenance Code/1993, Fourth Edition,~~" as published by the ~~Building Officials and Code Administrators International, Inc.~~ **"International Property Maintenance Code/2018" as published by International Code Council, Inc.**

§ 78-5 Filing of copies.

[Amended 11-23-1993 by Ord. No. 2693-93]

~~Three copies of said BOCA National Property Maintenance Code/1993, Fourth Edition, similarly marked, have been placed on file in the office of the Clerk of the Borough of Rutherford~~ **A copy of said international Property Maintenance Code/2018, similarly marked, has been placed on file in the Rutherford Building Department** upon the introduction of this chapter and will remain on file there for use and examination by the public until final action is taken on said chapter.

§ 78-6 Revisions.

[Amended 11-23-1993 by Ord. No. 2693-93; [\[1\]](#) 2-1-1994 by Ord. No. 2698-94]

The following sections of the code adopted under § 78-4 of this chapter are hereby revised or amended as hereafter set forth:

A. Section ~~PM-101.1~~ **[RV3: [A] PM-101.1** shall include the "Borough of Rutherford" as the name of the jurisdiction applicable.

B. Section ~~PM-106.2~~ **[RV4]:[A] PM-106.4**, Penalty, shall read as follows: "Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

C. Section ~~PM-304.12~~ **[RVS]:PM-304.14**, Insect screens, shall read as follows: "During the period from April 1 to November 1, every door, window and other outside opening ~~utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every swinging door shall have a self-closing device in good working condition. Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided that other approved means, such as air curtains or insect repellent fans, are employed.~~ **required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 24mm), and every screen door used for insect control shall have a self-closing device in good working condition. EXCEPTION: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.**

D. Section ~~PM-602.2~~ **[RV7]: PM 602.2, Residential occupancies, Residential buildings,** shall read as follows: "~~Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 70° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms when heat is required to be provided as outlined in Section PM-602.2.1.~~ **“Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 70F (20C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel burning space heaters be used, as a means to provide required heating.”**

E. Section ~~PM-602.2.1~~ **[RV9] PM 602.3, Heat supply,** shall read as follows: "~~Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitories or guest rooms on terms, either expressed or implied, to furnish heat shall supply sufficient heat during the period from October 1 of each year to the next succeeding May 1 to maintain the room temperature specified in Section PM-602.2, during the hours between 6:00 a.m. and 11:00 p.m. of each day and not less than 65° F. (18° C.) during other hours.~~ **“Every owner and operator of any building who rents, leases or lets one or**

more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a minimum temperature of 70F (20C) in all habitable rooms, bathrooms and toilet rooms."

F. Section PM-602-2.2, Room temperature exception, is hereby deleted.

G. Section PM-602.3 **602.4**, Nonresidential structures, shall read as follows: "Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 of each year to the next succeeding May 1 to maintain a temperature of not less than 65° F. (18° C.) during all working hours. **Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65F (18C) during the period the spaces are occupied.**

"Exceptions:

- "1. Processing, storage and operation areas that require cooling or special temperature conditions.
- "2. Areas in which persons are primarily engaged in **vigorous** physical activities ."

[1] Editor's Note: This ordinance also repealed former § 78-7, Deletions, and § 78-11, Violations and penalties, and provided for the renumbering of former §§ 78-8, 78-9 and 78-10 to become §§ [78-7](#), [78-8](#) and [78-9](#), respectively.

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Frank Nunziato

Margaret M. Scanlon, Borough Clerk

Frank Nunziato, Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held **December 28, 2020**.

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk