

SUBCHAPTER 26. VACANT BUILDINGS

5:10-26.1 Prevention of access

(a) In buildings where all dwelling units have been unoccupied for a period of 60 days or more, it shall be the duty of the owner to close all windows, doors and other openings with plywood or by other suitable means so that access into the buildings is prevented.

(b) The provisions of (a) above shall not apply to:

1. Any building which is unoccupied because of a current alteration being performed under application and plan approved by the construction official having jurisdiction;
2. Any building which is unoccupied because of being used exclusively as a seasonal resort building;
3. Dormitories which are not normally in use during a portion of the calendar year.

5:10-26.2 Buildings ordered vacated

In any building which has become unoccupied by reason of having been ordered vacated by the Bureau pursuant to N.J.S.A. 55:13A-17, it shall be unlawful for the owner thereof to cause or permit such building to be used in whole or in part for living purposes, other than by a janitor, superintendent or resident caretaker, until the violation(s) upon which the order to vacate was based shall have been abated.

SUBCHAPTER 27. CHILD-PROTECTION WINDOW GUARDS

Authority

N.J.S.A. 55:13A-7.12.

Source and Effective Date

R.1995 d.586, effective November 20, 1995.
See: 27 N.J.R. 3149(a), 27 N.J.R. 4695(b).

Subchapter Historical Note

Subchapter 27, Child-Protection Window Guards, was adopted as new rules by R.1995 d.586, effective November 20, 1995. See: Source and Effective Date.

5:10-27.1 Child-protection window guards; when required

(a) Except as provided in (b) below, the owner or other person responsible for the management or control of a multiple dwelling shall, upon the written request of a tenant of a unit in which a child or children 10 years of age or under reside, provide, install and maintain approved child-protection window guards on the windows of the dwelling unit and on any windows in the public halls of the multiple dwelling.

(b) The requirements of this subchapter shall not apply to any window which either gives access to a fire escape or is on the first floor, or to any unit that is owner-occupied, is part of a condominium or is held by a proprietary lessee under a cooperative form of ownership or occupied by a shareholder in a mutual housing corporation.

1. For purposes of this subchapter, a window in a room or hallway shall not be considered to be on the first floor if the finished surface of the floor of that room or hallway is more than six feet above grade as measured at the location of the window.

(c) All leases offered to tenants in multiple dwellings, other than multiple dwellings under a condominium, cooperative or mutual housing form of ownership, shall contain a clear, legible and conspicuous notice advising tenants and prospective tenants that the owner is required by law to provide, install and maintain window guards in the apartment of any tenant who has a child or children 10 years of age or younger living in the apartment and makes a written request to the owner or the owner's representative that the window guards be installed, and that the owner is also required, upon the written request of any such tenant, to provide, install and maintain window guards in the building hallways to which persons in the tenant's unit have access without having to go out of the building. A lease offered to a tenant of a first floor unit shall not be required to refer to window guards in the apartment, but only to window guards in the hallways above the first floor to which persons in the tenant's unit have access without having to go out of the building.

(d) At least once in each calendar year, the owner or other person who manages or controls a multiple dwelling, other than a multiple dwelling exempted by (c) above, shall deliver to each tenant a clear and legible notice containing the information required by (c) above. This notice shall be hand-delivered to the tenant or sent to the tenant, at the unit, by ordinary or certified mail. However, no additional notice shall be required in any year in which a tenant receives a copy of a lease or a lease renewal that is in conformity with (c) above. A notice given to a tenant of a first floor unit shall not be required to refer to window guards in the apartment, but only in the hallways above the first floor to which persons in the tenant's unit have access without having to go out of the building.

5:10-27.2 General installation requirements

(a) Window guards shall be installed in accordance with all applicable requirements of the State Uniform Construction Code, N.J.A.C. 5:23, and with manufacturer's instructions.

(b) Any window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool or excessive force. For purposes of this subchapter, an "emergency egress window" is any

window in a sleeping room located on the second or third floor, other than a window providing access to a fire escape.

(c) Any window guard installed on a window that is not an emergency egress window, including any window in a unit located above the third floor and any window in a room on the second or third floor that is not a sleeping room, shall be designed, constructed and installed so that it cannot be removed, opened or dislodged without the use of a key or tool; provided, however, that no window guard shall be installed on any window giving access to a fire escape.

5:10-27.3 (Reserved)

5:10-27.4 Specifications for window guards

(a) Window guards shall be so constructed as to reject the passage of a solid four-inch sphere at every space and interval.

(b) Window guards shall bear a 150 pound load at center-span when extended to maximum width.

(c) Window guards shall be constructed of metal or of other material of comparable strength and durability. In order to avoid obstruction of light and air, the diameter or width of metal rods used in window guards shall not exceed one-half inch.

(d) Window guards shall be designed, constructed and installed so as to serve their intended protective purpose without any risk of collapse, breakage, spreading of the bars or other malfunction.

(e) In a room, window guards shall be of at least a height sufficient to allow a total openable window area, for all windows in the room, of not less than four percent of the floor area of the room. In a public hallway, window guards shall protect the full openable area of each window.

(f) Window guards shall be securely fastened in order to bear the required load.

(g) All window guards shall be so designed and installed as to prevent the lower window from being raised four inches or more above the lowest section of the top horizontal bar of the window guard. Where necessary, rigid metal stops shall be installed securely in the upper tracks of each side of the bottom window.

(h) Screws used to mount window guards and stopping devices shall be:

1. Minimum size No. 10 and long enough to penetrate one inch into a wooden window frame; or
2. Of an adequate type, size and length to be securely fastened to a metal window frame.

(i) The coating of window guards shall be unleaded.

(j) Window guards shall be installed only in sound (non-rotting) mountings or tracks.

(k) Window guards installed prior to November 20, 1995 shall be accepted as being in conformity with this subchapter if they were designed and installed in accordance with the rules and specifications established by the New York City Department of Health and if such installation is not in violation of N.J.A.C. 5:10-27.2. Window guards installed on or after November 20, 1995 that are so constructed as to reject the passage of a solid four-inch sphere at every space and interval and are otherwise designed and installed in accordance with the rules and specifications established by the New York City Department of Health, and not in violation of N.J.A.C. 5:10-27.2, shall be accepted as being in conformity with this subchapter.

5:10-27.5 Additional specifications for window guards for other than double hung windows

(a) Window guards intended for casements, sliders and other types or combinations of windows in which the height of the openings is not subject to limitation, shall be of such size as to fill the entire aperture, and shall reject passage of a solid four-inch sphere at every space or interval.

(b) Except as otherwise provided in (c) below, sliding windows and vertical pivoting windows may be equipped with stopping devices in place of window guards as follows:

1. For sliding windows, solid metal blocks, measuring at least one-half the depth of the window track and one-half the width, shall be securely fastened into the bottom and upper window tracks to prevent the window from opening four inches or more.
2. For vertical pivoting windows, metal stopping devices shall be securely fastened to the upper and lower window frames so as to prevent the window from pivoting open four inches or more. The height of the stopping devices shall extend no less than one inch nor more than two inches beyond the window frame as needed to stop the window. The protruding edge of the stopping device shall be smooth and rounded.

(c) Use of such stopping devices in lieu of window guards shall be allowed within dwelling units only where they do not preclude meeting the requirement, as per N.J.A.C. 5:10-16.2, that the total openable window and/or openable skylight area in each room be equal to at least four percent of the floor area of the room.

5:10-27.6 Prohibited acts

No person shall obstruct or interfere with the installation of child-protection window guards required under P.L. 1995, c.120 and under this subchapter, nor shall any person remove or otherwise render ineffective such window guards; provided, however, that the owner or the representative of the owner may remove window guards from an unoccupied unit or, with the consent of the tenant, from a unit in which no child 10 years of age or under resides.

**SUBCHAPTER 28. CARBON MONOXIDE
ALARMS****Authority**

P.L. 1999, c.15, section 6; and N.J.S.A. 52:27D-133.4.

Source and Effective Date

R.1999 d.259, effective August 16, 1999.
See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

5:10-28.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

1. Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of the sleeping area in every guestroom or dwelling unit in buildings that contain a fuel-burning appliance or that have an attached garage.

2. As an alternative to the requirements in (a)1 above, carbon monoxide alarms may be installed in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20). A copy of the certificate of approval issued by the local construction code enforcing agency shall be provided to the Bureau at the time of installation, at or after the time of inspection, or at any other time, as proof of installation, in accordance with the Uniform Construction Code.

(b) Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this subchapter and NFPA 720. Carbon monoxide alarms shall be battery operated, hard-wired or of the plug-in type.

Amended by R.2005 d.173, effective June 6, 2005.

See: 37 N.J.R. 379(a), 37 N.J.R. 2012(b).

In (a), rewrote 2.