

5:10-10.2 Elimination of infestation

(a) Every owner shall be responsible for the eradication of any insects, rats or other pests when the infestation exists in two or more units of dwelling space or in common areas. All buildings subject to this chapter shall be made ratproof and shall be maintained in a condition free from infestation. Such ratproofing and pest extermination shall include but is not limited to the following:

1. Prevention of entrance by blocking off or stopping up at passages by which rats may secure entry from the exterior with rat impervious material;
2. Prevention of interior infestation by elimination of sources of food and access thereto;
3. Prevention of any vertical travel of vermin through pipe chases or other similar methods of travel.

(b) All hotels and multiple dwellings shall be subject to periodic procedures for the prevention and elimination of infestation by persons qualified to conduct such procedures no less frequently than once annually and more frequently where there is recurring evidence of infestation.

SUBCHAPTER 11. MANAGERIAL AND
MAINTENANCE PERSONNEL

5:10-11.1 Duties of owner

(a) The owner shall have the positive responsibility of providing, either by his own direct efforts or by hiring others qualified to so serve, a person or persons qualified by training or experience to discharge the duties and responsibilities outlined for owners under these regulations.

(b) Any managing agent, in charge of the leasing or renting of space and the general management and operation of the premises, shall be competent to provide supervision of the management and operation of the building in accordance with this chapter.

(c) In a multiple dwelling of nine or more dwelling units, the owner shall either perform the janitorial services himself, if he is a resident owner, or provide a janitor, or provide janitorial services to be performed, on a 24-hour a day basis in a manner approved by the bureau.

(d) Unless either the owner or the janitor resides on the premises, the owner of a multiple dwelling or his managing agent in control shall post and maintain in such dwelling a legible sign, conspicuously displayed, containing the janitor's name, address (including apartment number) and telephone number. A new identification sign shall be posted and maintained within five days following a change of janitor.

(e) The person who performs janitorial services for a multiple dwelling of nine or more dwelling units (other than

where janitorial services are performed on a 24-hour a day basis under (c) above) shall reside in or within a distance of one block or 200 feet from the dwelling, whichever is greater, unless the owner resides in the multiple dwelling.

(f) Where necessary to assure compliance with this chapter and other provisions of law affecting multiple dwellings and hotels, there shall be a full-time person or employee responsible for providing janitorial services as defined herein. The owner shall provide additional personnel as may be required to assure proper maintenance and compliance with this chapter.

(g) All personnel responsible for enabling the owner to meet the requirements of this chapter shall be by reason of training or experience competent to perform the duties entrusted to him, familiar with the requirements contained herein and not unable or unwilling to discharge the said duties by reason of any physical or mental incapacity or disability or personal habits inconsistent with such duties.

(h) The following shall serve as a guide to adequacy of personnel for maintenance of a typical multiple dwelling not having any unusual or special labor-saving features:

Units of Dwelling Space	Full-Time Personnel or Equivalent
70-100	one
101-150	two
151-225	three
226-325 (and each additional 100 units)	four, plus one for each 100 additional units of dwelling space over 325

Correction: The word "basis" added to the phrase ... 24-hour a day basis ... at (c).
See: 21 N.J.R. 1123(a).

5:10-11.2 Duties of manager and superintendent

(a) Without relieving the owner of any responsibility placed by these regulations on the owner, any person undertaking for and in behalf of the owner any responsibilities for the operation and maintenance of the premises shall thereby assume concurrently with the owner, responsibilities for the premises and be subject to penalty for failure to comply with any regulation or order relating to any item or matter within the responsibilities so assumed.

(b) Where the owner has vested any other person with active management or control of the property and the owner either by his physical absence or unavailability to the premises has left such person in charge thereof, or by reason of any other arrangement with such person the owner does not actively engage in the day-to-day conduct or operation of the premises, then such person assuming management shall be responsible as the agent of the owner for compliance thereto.

(c) Where there is present on the premises or available to the premises a person whose duties and authority do not comprise overall control of the management of the premises, but such person is designated by the owner as the person

responsible for the day-to-day physical upkeep and maintenance of the premises, then such person shall be liable concurrently and jointly with the owner and any managing agent for such matters as shall constitute routine maintenance and upkeep of the premises, for any other matters pertaining to the maintenance of the premises entrusted to such person by the owner or management, and for apprising the owner or managing agent promptly of any other and further matters such as major repairs, structural improvements and capital investments which are beyond such person's authority and competence to undertake, and which, if not done, constitute violations of this chapter or hazards to the health, safety or well-being of occupants.

5:10-11.3 Janitorial services required

(a) The person in regular attendance on the premises and responsible for providing janitorial or maintenance duties as required by this subchapter shall provide the following services:

1. Setting out and returning waste disposal receptacles and avoiding leaving receptacles on days when there is no pickup;
2. Providing regular daily care for all common areas including removal of garbage, litter or other accumulations;
3. Attending to sidewalks, pedestrian walkways, parking areas and driveways and, in case of snow or ice, to permit safe passage in and out of the premises for vehicles and pedestrians;
4. Operating of the equipment designed to provide heat as required under these regulations; and
5. Such other and further routine operational and maintenance service as is required of the owner to comply with this chapter.

Case Notes

Violation of former N.J.A.C. 5:10-9.4 is jury question in negligence action; regulation valid. *Terrey v. Sheridan Gardens, Inc.*, 163 N.J.Super. 404, 394 A.2d 1247 (App.Div.1978).

SUBCHAPTER 12. ELEVATORS

5:10-12.1 Standard of maintenance

(a) All elevators shall be so maintained as to meet the standards established and set forth in N.J.A.C. 5:23-12.1 et seq. The elevator doors, flooring, safety devices and operating mechanisms shall be maintained in good working order and free of hazards.

(b) The owner or the agent of the owner of a building containing one or more elevators shall have, and shall provide for inspection by the Bureau's representative, a current certificate of compliance, issued pursuant to N.J.A.C. 5:23-2.23(j), for each such elevator.

Amended by R.1993 d.464, effective September 20, 1993.
See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

5:10-12.2 Preventive maintenance

All elevators and elevator equipment and accessory devices shall be provided with preventive maintenance and inspections as required by N.J.A.C. 5:23-12.1 et seq.

Amended by R.1993 d.464, effective September 20, 1993.
See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

5:10-12.3 Suspension of service

Elevator service shall not be suspended except where unavoidable or where necessary to provide servicing or repairs and then only for the minimum period of time necessary to effectuate such servicing or repairs. Where the owner has knowledge in advance of such suspension, he shall post a notice of the same advising all occupants of the time and duration of any such suspension and the reason therefor.

Case Notes

Statute governing injuries from unsafe condition of improvement to real property applied to installation of real property. *Hall v. Luby Corp.*, 232 N.J.Super. 337, 556 A.2d 1317 (L.1989).

5:10-12.4 Mirrors

In all hotels and multiple dwellings in which there are one or more self-service elevators, there shall be affixed and maintained in each elevator a mirror that will enable persons, prior to entering into such elevator, to view the inside thereof to determine whether any person is in such elevator.

Amended by R.1993 d.464, effective September 20, 1993.
See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

SUBCHAPTER 13. ELECTRICAL SERVICE AND LIGHTING

5:10-13.1 Electrical service

(a) There shall be maintained in good operational condition in every multiple dwelling and hotel, electrical service which shall comply with the electrical requirements in effect at the time the structure first became a multiple dwelling or hotel.

(b) The following electrical installations shall be provided and hereafter properly maintained in all hotels and multiple dwellings: