

Ordinance 2014-14

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING, SUPPLEMENTING AND REVISING SUBSECTION 13-3-8,
ENTITLED “USE AND OCCUPANCY OF SPACE,” OF SECTION 13-3, ENTITLED
“HOUSING STANDARD FOR OWNER OCCUPIED UNITS AND RENTAL UNITS,”
OF CHAPTER 13, ENTITLED “HOUSING,” OF THE “REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

WHEREAS, the Mayor and Council wish to amend certain provisions contained within Subsection 13-3-8, entitled “Use and Occupancy of Space,” of Section 13-3, entitled “Housing Standard for Owner Occupied Units and Rental Units,” of Chapter 13, entitled “Housing,” of the Borough Code as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that:

Section 1. Subsection 13-3-8, entitled “Use and Occupancy of Space,” of Section 13-3, entitled “Housing Standards for Owner Occupied Units and Rental Units,” as contained within Chapter 13, entitled “Housing,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows:

Subsection 13-3-8 Use and Occupancy of Space.

- a. It shall be the responsibility of the owner to ensure that the maximum number of occupants in a dwelling unit shall not exceed the following standard:
 1. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, such floor space to be calculated on the basis of total habitable room area.
- b.
 1. Every room in a dwelling unit occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof. Under no circumstances shall there be more than two (2) occupants in each bedroom of a dwelling unit. Children under the age of two (2) shall not be considered to be additional occupants.
 2. Notwithstanding the foregoing, in every lodging unit every room occupied for sleeping purposes by one (1) occupant shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least sixty (60) square feet of floor space for each occupant thereof.
- c. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

- d. No room in a dwelling unit may be used for sleeping if the floor level of the room is lower than three and one-half (3 ½) feet below the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room.
- e. A room located below the level of the ground but with the floor level less than three and one-half (3 ½) feet below and the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room may be used for sleeping, provided that the walls and floor thereof in contact with the earth have been damp proofed in accordance with a method approved by the Housing Inspector and that the windows thereof are at least fifteen (15) feet from the nearest building or wall.
- f. Keyed locks on bedroom doors are prohibited. Privacy locks are allowed on bedroom doors, provided that the lock can be opened easily and without the use of force from the outside of the room, or from any hallway or common area, in the event of emergency.
- g. Non-habitable spaces, including storage and closet areas, kitchens, hallways and all portions of living rooms, dining rooms, dens, enclosed porches, attics, and basements shall not be used as bedrooms or otherwise occupied for sleeping purposes; notwithstanding the foregoing, attics and basements may be used as bedrooms if they have been rendered habitable pursuant to all requirements of the State Housing Code.
- h. The number of bedrooms in a dwelling unit is determined by the number of bedrooms on the tax records for the property.
- i. The bedroom cannot be used to pass through to another habitable space, bedroom or kitchen.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

Introduced: July 21, 2014

Adopted:

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Steven Kirson
Mayor