

Heating Ordinance

BUILDINGS, HEATING OF Chapter 255

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[HISTORY: Adopted by the Board of Health of the Borough of Edgewater: Article I, 9-13-71 as Ord. No. 71-3; Article II, 5-12-80 as Ord. No. 17. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform Construction codes – See Ch. 29.

Board of Health (established) – See Ch. 45.

Certificates of substantial compliance – See Ch. 134.

Electrical standards – Ch. 145.

Fire prevention – See Ch. 152.

Oil- and gas-burning equipment – See Ch. 183.

Payment of utility bills by borough – See Ch. 233.

Health Officer – See Ch. 271.

Board of Health penalties – See Ch. 282.

Water temperature (maintenance of hot water temperature) – See Ch. 306.

ARTICLE I

Residential Buildings

[Adopted 9-13-71 as Ord. No. 71-3]

§ 255-1. Minimum required temperature; hours.

Every part of premises designated or used for habitation shall have maintained, during the hours of 6:00 a.m. to 11:00 p.m., a minimum temperature of seventy degrees Fahrenheit (70o F.) and during the hours of 11:00 p.m. to 6:00 a.m. the following day, the minimum temperature maintained shall be sixty degrees Fahrenheit (60o F.).

§ 255-2. Duty of owner to maintain temperatures; exception.

The duty to maintain the above-described minimum temperatures shall be that of the owner of the building, unless the duty to maintain the minimum temperatures shall have been contracted, either orally or in writing, with the person or persons who lease or reside or have right to possession of the premises.

§ 255-3. Duty of owner to maintain temperatures in multiple dwellings.

In buildings in which two (2) or more families reside, and a central heating system or boiler is under the control of the owner, lessor or other person in charge, it shall be the duty of the owner, lessor or person in charge of said building to maintain the minimum temperatures set forth hereinabove.

§ 255-3.1. Conversion or replacement of existing heating systems.

At no time during the period of October 1 to May 15 shall any heating system or boiler existing in buildings described in § 255-3 of this Article be replaced by or converted to another heating system or boiler without prior approval of the Edgewater Board of Health.

§ 255-4. Applicability of provisions.

This Article shall not apply to any business or commercial premises unless part of said premises are used for habitation or residence, in which event the above provisions of this Article shall apply to that part used for habitation or residence.

§ 255-5. Seasonal duration of minimum temperature requirement.

The duty to maintain the above minimum temperatures shall apply during the period of October 1 to May 15 of the following year.

§ 255-6. Enforcement.

This Article shall be enforced by all personnel of the Board of Health, the Housing Officer and any other person so designated by the Board of Health or the Mayor and Council of the Borough of Edgewater.

ARTICLE II

Nonresidential Buildings

[Adopted 5-12-80 as Ord. No. 17]

§ 255-7. Applicability.

All buildings which are in whole or in part a place of employment shall be provided with heating facilities and sufficient fuel capable at all times of producing the minimum temperatures specified in § 255-8.

§ 255-8. Minimum temperatures to be maintained; exemptions.

A. All places of employment shall be kept at the following minimum temperatures when occupied by employees:

(1) Office space; wash-, locker, rest, dressing, lunch-, and toilet rooms; and all other portions of buildings where employees are assigned to relatively fixed positions or locations and are not subject to physical exertion: sixty-eight degrees Fahrenheit (68o F.).

(2) Other areas of buildings where employees are not restricted to a relatively fixed position: fifty-five degrees Fahrenheit (55o F.), except that where the prudent practice of business requires that, in order to facilitate the movement of goods, there be certain open-air loading platforms, warehouses, storage buildings and other similarly situated facilities, no minimum temperature shall be required.

B. Exemptions.

(1) An individual or entity may apply for an exemption from the minimum temperature regulations as set forth hereinabove, provided that the following conditions have been met:

(a) There are no persons who use the place of employment in question on a regular basis; or

(b) The maintenance of the above temperatures would be physically and mechanically impossible, given the circumstances of the applicant, and a good faith effort was made to comply with the minimum temperature regulations.

(2) All applications must be in writing and submitted to the Board of Health at least forty-five (45) days prior to the date on which the applicant would like the exemption to commence.

§ 255-9. Responsibility for maintenance of temperature.

It shall be the duty of the owner, lessor or person in charge of any said building or portion of building to maintain the minimum temperatures set forth hereinabove and to maintain sufficient fuel to provide for said temperatures.

§ 255-10. Enforcement.

This Article shall be enforced by all personnel of the Board of Health and any other person so designated by the Board of Health.

§ 255-11. Violations and penalties.

Any person, persons, corporations or entities violating any of the provisions of §§ 255-7 to 255-9 of this Article shall, upon conviction, forfeit and pay a penalty of not less than one hundred dollars (\$100.) no more than five hundred dollars (\$500.). Each day on which a violation occurs shall constitute a separate offense.