

ORDINANCE #1033

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING CHAPTER 223 "FIRE PREVENTION"

WHEREAS, the Oceanport Fire Official has recommended various updates to Borough's Fire Prevention Ordinance; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that the following amendments be made to Chapter 223 entitled "Fire Prevention":

NOTE: Additions are underlined; and deletions are marked by strike through.

Article I. Rules and Regulations

§ 223-1. False fire Alarm.

~~Any person who shall cause to be given any false alarm of fire in this Borough or who shall intermeddle with, injure or destroy any of the property appertaining to or belonging to said Fire Department or fire alarm system shall be punished as provided in of this article.~~

- A. Fire Alarms. The Fire Official or designated Fire Inspector shall investigate, or cause to be investigated, the activation of any fire alarm, fire detector or fire protection system occurring within the Borough to determine the cause for such activation and determine if the device and/or equipment have been properly restored to full service.
- B. Failure to Report. It shall be a violation for any person or persons, having knowledge of same, to fail to report to the Fire Department and/or the Fire Official the activation of any fire protection system or device or to fail to report the occurrence of any fire or attempted arson or to fail to report the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material immediately upon gaining such knowledge.
- C. Define Fire Alarms; False Alarms; Nuisance Alarm.

1. Fire alarm shall be defined as the giving, signaling or transmission to any public fire station, or company or to an officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that there is a fire at or near the place indicated by the person giving, signaling, or transmitting such information.

2. False alarm shall be defined as the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

3. Nuisance alarm shall be defined as an alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or an alarm activated by a cause that cannot be determined.

4. Penalty. Any person who maintains or permits to be maintained, any mechanical or electronic fire alarm device which transmits more than three false or nuisance fire alarms (excluding line-trouble signals) within any consecutive twelve-month period, after written notification by the Fire Prevention Bureau, shall be punished by a fine of \$250 for the fourth offense. For subsequent false or nuisance fire alarms after the fourth offense in the same calendar year, the fines will progressively increase for each additional offense. In no event, however, shall the fine exceed \$500 for any one occurrence. All penalties shall be in addition to any court costs that may be required.

§ 223-2. Driving over or damaging hoses and apparatus.

Any person who shall willfully drive or cause to be driven any vehicle over any hose or other fire apparatus or shall in any manner willfully damage, deface or injure any hose or other apparatus at any time shall be punished as provided in § 223-4 of this article.

§ 223-3. Interference with fire apparatus.

No person or persons shall interfere with, impede or delay any fire apparatus in the Borough of Oceanport in any manner or for any cause under their control. Any person or persons violating this section shall be punished as provided in § 223-4 of this article, upon complaint of the Chief, foreman of a company or driver of any apparatus.

§ 223-4. Violations and penalties.

~~Any person or persons who shall violate any section of this article shall be liable, upon conviction, to a penalty as set forth in Chapter § 1-15, General penalty.~~

- A. Any owner, agency, or person or corporation who shall violate any provision of this Chapter or fail to comply therewith or with any of the requirements thereof, shall be subject to a penalty to be determined by the Fire Official. The effective date of the enforcement provisions set forth in this section shall be 12 months for existing structures and 20 days from the passage of this amendment for new structures.
- B. The Fire Official of the appropriate Local Enforcing Agency shall be responsible to enforce this Chapter as an amendment to N.J.A.C. 5:70 et seq., and penalties may be assessed as provided in the New Jersey Uniform Fire Prevention Code.
- C. The maximum penalty for violation of any provision of this Chapter shall be \$2,500 or imprisonment for a period not exceeding 90 days, or both, in the discretion of the Municipal Court Judge. Any fines collected shall be forwarded to the Oceanport Fire Prevention Bureau.
- D. Each and every day in which a violation of any provision of this Chapter exists shall constitute a separate violation.
- E. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all may be appropriate for a particular case or violation, and shall be mandated where a specific penalty is set forth in each subsection herein above.

Article II. Establishment and Management.

§ 223-5. Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383; N.J.S.A. 52:27D-202), the New Jersey Uniform Fire Code shall be fully enforced in the Borough of Oceanport.

§ 223-6 Designation of enforcement agency.

~~The local enforcing agency shall be the Borough of Eatontown Bureau of Fire Safety Borough of Oceanport Fire Prevention Bureau for the Borough of Oceanport.~~

- A. Local Enforcement. Pursuant to Section 11 of the Uniform Fire Safety Act, the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Oceanport.
- B. The local enforcing agency shall be the Bureau of Fire Prevention, which is hereby created within the Borough of Oceanport.

§ 223-7. Applicability.

The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Oceanport, other than owner-occupied one- and two-family dwellings and buildings owned or operated by the federal or state government or interstate agencies and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 223-8 ~~Inspection of life hazard uses and Permits.~~

- A. The local enforcing agency established by § 223-6 of this article shall carry out the periodic inspections of the life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.
- B. In addition to the inspection and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections and fees for those uses not defined as life-hazard uses shall be required. The following buildings, uses and premises contained in this section, other than those that are incidental or auxiliary to the agricultural use of farm property, are subject to registration and periodic inspection requirements as hereby established. Where two or more of the same use or different uses exist at the same building or premises, each one shall be considered as separate and distinct for the purpose of this article and shall be registered pursuant thereto:

<u>Business Use Group</u>	
<u>B-1 under 2,500 square feet</u>	<u>\$ 50</u>

<u>B-2 2,500 to 4,999 square feet</u>	<u>\$ 75</u>
<u>B-3 5,000 to 9,999 square feet</u>	<u>\$100</u>
<u>B-4 10,000 square feet and over</u>	<u>\$150</u>
<u>Factory Use Group</u>	
<u>F-1 under 5,000 square feet</u>	<u>\$ 75</u>
<u>F-2 over 5,000 square feet</u>	<u>\$100</u>
<u>Mercantile Use Group</u>	
<u>M-1 under 6,000 square feet</u>	<u>\$ 50</u>
<u>M-2 6,000 to 11,999 square feet</u>	<u>\$ 75</u>
<u>Storage Use Group</u>	
<u>S-1 under 2,500 square feet</u>	<u>\$ 50</u>
<u>S-2 2,500 to 5,000 square feet</u>	<u>\$ 75</u>
<u>S-3 over 5,000 square feet</u>	<u>\$100</u>
<u>Residential Use Group</u>	
<u>R-A non-owner occupied 1 and 2 unit</u>	<u>\$ 25</u>
<u>R-B 3 to 6 units per building</u>	<u>\$ 50</u>
<u>R-C 7 to 12 units per building</u>	<u>\$ 75</u>
<u>R-D 13 to 20 units per building</u>	<u>\$100</u>
<u>R-E over 20 units per building</u>	<u>\$150</u>

- C. All commercial enterprises named in § 223-8 of this article must register annually with the Bureau of Fire Prevention and shall pay all registration fees not later than 30 days after issuance. All new enterprises shall register within 60 days of commencement of business activity. These uses shall be inspected minimally once every two years.
- D. Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Fire Marshal or any member of the local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of this article shall, upon conviction therefor, be subject to a fine not to exceed \$2,500 per occurrence.
- E. False statements. Anyone who prepares, utters or renders any false statement pertaining to reports, documents, plans or specifications permitted or required under the provisions of this article shall be subject to a penalty not to exceed \$5,000 for each occurrence.
- F. Additional Permits and Fees.
- G. It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or to maintain, store or handle materials; to conduct processes which produce conditions hazardous to life or property; to install equipment used in connection with such activities; or to establish a place of assembly without first obtaining a permit from the fire official. Permits shall be obtained from the Bureau of Fire Safety for any of those activities listed in N.J.A.C. 5:70-2.7 and any amendments, supplements and rules and regulations thereto. The fee for said permits shall be established in accordance with N.J.A.C. 5:70-2.9(c) and any amendments or supplements thereto.
- H. Any fee due hereby which is not paid within 30 days of the payment being due shall be subject to a late fee pursuant to the following schedule: (1) Late fee if not paid within 30 days of due date: \$100. (2) An additional late fee of \$25 per day until the monies due are paid.
- I. An applicant who shall fail to obtain a required permit prior to commencing the operation, process or activity for which a permit was required shall be required to pay a permit fee of double the amount of the applicable permit fee.
- J. Any person or entity who shall fail to obtain a required permit after being ordered to do so while continuing the

operation, process or activity shall be subject to a penalty as set forth in Chapter 1, § 1-15 General penalty, per day during which the operation, process or activity continues.

K. No Certificate of Fire Inspection may be issued unless and until all required fees are paid

§ 223-9. Administration.

The local enforcing agency established by § 223-6 of this article shall be the Bureau of Fire Prevention of the Borough of Oceanport and shall be under the direct supervision and control of the Fire Official, who shall be the Fire Marshal and the Chief of the Fire Prevention Bureau. The Bureau Chief shall report to the Mayor and Council of the Borough of Oceanport.

§ 223-10. Fire Official; inspectors and other employees.

- A. Appointment of Fire Official. The local enforcing agency shall be under the supervision of the Fire Official, who shall be appointed by the Mayor and Council of the Borough of Oceanport and shall be certified as a fire official by the State of New Jersey. In making this appointment, the appointing authority may make the appointment from recommendations provided by the Chief of the Fire Department.
 - B. Term of office. The Fire Official shall serve for a term of two years, commencing on January 1 next succeeding the effective date of this article.
 - C. Inspectors and employees. Such inspectors and other employees as may be necessary in the local enforcing agency shall be State of New Jersey certified fire inspectors, appointed by the Mayor and Council upon the recommendation of the Fire Official.
 - D. The Bureau of Fire Prevention shall enforce the Uniform Fire Safety Act and the Codes and regulations adopted under it in all buildings, structures and premises within the Borough, other than owner-occupied one and two family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.
 - E. The powers conferred upon the Bureau of Fire Prevention and its officials shall not include the power to act on behalf of, or grant permits, certificates or other similar approvals, for other State, County or local authorities, boards and/or commissions, such as the local Alcoholic Beverage Control Board, Planning Board, Zoning Board or similar agencies. Any permits, certificates or other similar approvals granted by the Bureau of Fire Prevention or its officials shall not be deemed an approval by any other authority, board and/or commission.
- ~~D.~~ E. Removal from office. The Fire Official and inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor and Council for inefficiency or misconduct. The Fire Official and each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

§ 223-11. Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act (N.J.S.A. 52:27D-206 and 27D-208), any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of Monmouth County.

Strike § 223-12 in full and replace with the following:

§ 223-12 ~~Additional registrations and Fees~~ Fire Suppression Costs.

Standby fees:

1. Fees for extracurricular activities which shall require additional Fire Department presence or standby due to the scope of actions shall require a standby fee as established by the Oceanport Fire Prevention Bureau. The standby fee shall be as determined by the Chief Inspector or his/her designee. Public events sponsored by the Borough of Oceanport shall be exempt from standby fees.
2. Fire Department costs (one-hour minimum unless stated otherwise):
 - a. Fire engine: \$250/hour with crew (one driver and three firefighters; one must be an officer or acting officer).
 - b. Ladder truck: \$350/hour with crew (one driver and four firefighters; one must be identified as an officer).
 - c. Rescue unit: \$300/hour with crew (one driver and four firefighters; one must be an acting officer).
 - d. Certified fire inspector standby: \$75/hour (two-hour minimum).

e. Firefighter Standby (No apparatus / Per Member) \$35 per hour Monday through Friday 7:00 a.m. to 3:00 p.m., \$50 per hour for holidays, Saturdays, Sundays, and from 3:00 p.m. to 7:00 a.m. weekdays.

Strike § 223-13 in full and replace with the following:

§ 223-13 Permit fees. Smoke Detector and Carbon Monoxide Alarm Inspections.

The application fee for a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC), as required by N.J.A.C 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

- 1: Requests for a CSACMAPFEC received more than 10 business days prior to the change of occupant: \$45.00;
- 2: Requests for a CSACMAPFEC received four to 10 business days prior to the change of occupant: \$90.00;
- 3: Requests for a CSACMAPFEC received fewer than 4 business days prior to the change of occupant: \$161.00.
- 4: RE-Inspection fee shall be \$35.00

Strike § 223-14 in full and replace with the following:

§ 223-14. Fire lanes parking.

- A. Requirement, Designation. Fire lanes shall be designated as follows for the efficient and effective use of the fire apparatus, access for firefighting, and/or the egress of occupants.
- B. Where Needed. The Fire Official may establish fire areas on property devoted to public and private use, in accordance with N.J.A.C. 5:70-3.2(a)3, F-311.1, including, but not by way of limitation, shopping centers, strip malls, bowling alleys, drive-in theaters, house of worship, swimming pools, offices, warehouses, factories, restaurants, nightclubs, etc., and similar uses.
- C. Existing Fire Lanes. Any and all fire lanes created by prior ordinance are hereby continued in effect and when repairs or modifications are made to such fire lanes, they shall be brought into conformity with this code, as much as shall be practical in the appropriate Fire Official's judgment. The standard for exercise of said judgment shall conform to those contained in Subsections 28-1.13.6a and b above.
- D. Markings. The owner shall, within 30 days of being given a notice to do so by the Fire Official, mark the lane(s) as follows:
 1. Signs, with minimum dimensions of 12 inches by 18 inches, constructed of metal and with raised red letters a minimum of two inches in size on a white background shall be posted at level of at least seven feet above grade, indicating "FIRE LANE NO PARKING." Spacing of signs shall be even with a minimum of one sign for every 100 feet of fire lane or part thereof, or as ordered by the Fire Official. All signs and markings must be unobstructed and visible for a distance of at least 100 feet when viewed from a position approximately five feet above the ground while in the fire lane.
 2. The area of the fire lane on improved areas shall be delineated along its entire length with yellow lines 18 inches in width. Between the yellow lines shall be marked "NO PARKING FIRE LANE" in yellow letters 18 inches in height. The number of times this wording is to be repeated shall be at the discretion of the Fire Official, with the recommended spacing to be at 100-foot intervals and spaced so as to be between and alternate with the metal signs required above. If the designated fire lane abuts a curb, the curbing shall be yellow in color where it abuts the fire lane.
- E. Definitions: For the purpose of fire lane enforcement, the following terms are defined:
 1. FIRE AREA - Shall mean the same as fire lane.
 2. FIRE LANE - Shall mean an area necessary to provide safety for the public or to provide proper access for the Fire Department operations in the event of an emergency.
 3. NO PARKING - Shall mean that a vehicle may not be parked within the designated area unless loading or unloading passengers or materials with a time limit of three minutes.
- F. Size. Fire lanes for vehicles access shall be a minimum of 20 feet in width or as approved by the Fire Official. Fire lanes for egress of occupants shall be a minimum of at least the width of the exit way served.
- G. Notification. Once a fire lane has been designated by the Fire Official, approved as provided above and properly marked by the owner of the premises, the Fire Official shall notify the Police Department, Construction Department, and Municipal Court Administrator in writing of the existence and location of the designated fire lane(s).

- H. Restricted Areas. Gates, chains or other approved methods utilized to prevent unauthorized access to fire lanes shall be approved by the Fire Official prior to installation, provided such restrictions will not impede access by firefighting apparatus. The Fire Official shall determine whether any changes or deviations from the appropriate methods may be utilized.
- I. Installation, Maintenance. Fire lanes shall be installed and maintained by the owner of the premises or a designee in conformity with the provisions of this subsection. Fire lanes in existence prior to the enactment of this subsection shall be required to conform to the provisions herein at the discretion of the Fire Official. Fire lanes must be accessible for fire apparatus use at all time.
- J. Parking, Standing and Obstruction Prohibited. Designated fire lanes shall be maintained free of snow and obstructions, including vehicles, at all times.
- K. Notice of Violation. The Fire Official or designated Fire Inspector(s) may complete a Municipal Summons, or a Notice of Violations, which shall be issued to offenders by personally serving same upon any offender, or if the offender is not attendant to the vehicle(s), shall leave the notice under the windshield wiper or otherwise attached to the vehicle(s) in a manner reasonably calculated to ensure receipt of same by the offender.
- L. This subsection shall supersede any and all provisions of any other ordinance promulgated for the enforcement of parking in fire lanes. Enforcement shall only be done by personnel from the Borough of Belmar. Personnel enforcing these provisions shall be either uniformed or carry appropriate identification.

§ 223-15. Rapid-entry system in residences and businesses.

A. Required. The Bureau of Fire Prevention of the Borough of Oceanport shall require the owner(s) of all of the following types of new and existing building(s) or structure(s) to have installed on their building(s) or structure(s) a rapid-entry key box, to be located not less than six nor more than eight feet from grade above the main entrance on the hinge side of the entry door:

1. All hotels, motels or multiple dwellings that:
 - (a) Have locked main entrances for security purposes at any time during the day or night; and
 - (b) Have common corridors to living units or spaces.
2. Any sprinklered or interconnected alarmed residential or commercial building or structure.
3. Any industrial, commercial, institutional, retail or similar business building or structure, including public and private schools, consisting of 12,000 square feet or more.
4. Any public or private educational institution. Any other building or structure deemed necessary by the Fire Official.

B. Approval of system; owner to provide keys upon request. The type of rapid-entry key box system to be installed shall be approved by the Bureau of Fire Prevention prior to the purchase of the same. In addition to providing a rapid-entry key for the system installed to the Bureau of Fire Prevention, the Bureau may request and the owner of the building or structure concerned shall provide keys for the following areas within the building or structure:

1. Boiler rooms;
2. Sprinkler control valves;
3. Electrical rooms;
4. Elevators and elevator control rooms, and
5. Such other room(s) or door(s) requested by the Bureau of Fire Prevention where entry may be required.

C. Key to self-contained living areas, units or rooms. Notwithstanding the provisions of any other section of this chapter, no official, employee or member of the Bureau of Fire Prevention or Fire Department shall request nor shall an owner be required to provide a key to any self-contained, individual living space area, unit or room.

D. When deemed necessary, the Fire Official may require the owner of a building structure to purchase and install locking Fire Department connection cap(s) with a type to be approved by the Bureau of Fire Prevention.

E. When deemed necessary, the Fire Official may require the owner of a building structure to purchase and install a keyed electric override switch with a type to be approved by the Bureau of Fire Prevention for the following:

1. Exhaust fans for parking structure(s);
2. Electric-operated doors for parking structure(s); and
3. Electric-operated perimeter gates.

§ 223-16. Legal counsel.

The Borough Attorney is hereby designated as legal counsel to the Bureau of Fire Prevention in its capacity as the local

enforcing agency under the provisions of this article.

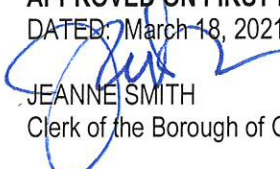
§ 223-17. Provisions to remain in effect.

All provisions of the Borough of Oceanport Fire Prevention Ordinance being amended herein which are not modified by this article shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

APPROVED ON FIRST READING

DATED: March 18, 2021


JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: April 15, 2021


JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS 16th DAY OF April 2021.


JOHN F. COFFEY, II
Mayor