

CHAPTER 10. FIRE PREVENTION

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OF THE CODE OF THE TOWN OF HACKETTSTOWN

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ARTICLE 1. ENFORCEMENT OF FIRE PREVENTION CODE
OF THE CODE OF THE TOWN OF HACKETTSTOWN

10-1. Local Enforcement.

Pursuant to section II of the Uniform Fire Safety Act (P.L. 1983, c.383) the New Jersey Uniform Fire Code shall be locally enforced in the municipality of Hackettstown.

10-2. Agency Designation.

The local enforcing agency shall be the Bureau of Fire Prevention within the Division of Building Inspection in the Department of Public Works.

10-3. Duties.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the establishment boundaries of the Town of Hackettstown, other than owner-occupied one and two family dwellings, used exclusively for dwelling purposes and building structures, and premises owned by the Federal Government, Interstate Agencies or the State, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

10-4. Life Hazard Uses.

The local enforcing agency established by Section 10-2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

10-5. Organization

The local enforcing agency established by Section 10-2 of this ordinance shall be under the direct supervision of the fire official who shall report to the Mayor.

10-6. Appointments, Term of Office, Removal.

a. Appointment of Fire Official and Deputy: The local enforcing agency shall be under the direct supervision of a Fire Official who shall be certified by the State. Two deputy fire officials shall assist the Fire Official in the performance of their duties and shall serve as Fire Official in the absence of the Fire Official.

b. Term of Office: The Fire Official shall be appointed by the Mayor with the advice and consent of the Council for a term of three (3) years and the deputy fire official shall be appointed for a

term of one (1) year. Any vacancy shall be filled for the unexpired term.

c. Inspectors and Employees: Up to 15 fire inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor with the advice and consent of the Council upon recommendation of the Fire Official for a period of one year. Inspectors shall be appointed for a period of one year. All life hazard use inspectors shall be certified by the State.

d. Removal from Office: The Fire Official, Deputy Fire Officials, Fire inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor.

e. Appointment of Legal Counsel: The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

10-7. Board of Appeals.

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Warren County.

10-8. Establishment and Duties of Bureau of Fire Prevention.

a. The New Jersey Uniform Fire Code shall be enforced by the Bureau of Fire Safety in the Division of Building Inspection of the Town, which shall be operated under the supervision of the Fire Official.

b. The Bureau of Fire Prevention shall consist of the following:

1. The Fire Official who shall be in charge of Bureau.

2. Two Deputy Fire Officials who shall assist the Fire Official in the performance of his duties and to act for Fire Official during his absence.

3. A maximum of 15 fire inspectors.

All the above officials shall be appointed by the Mayor with the advice and consent of the Council for a term of one year. Any vacancy in the above positions shall be filled for the unexpired term. The Mayor will prior to making the appointment of the above official consider a written list of recommended candidates from the Chief of the Hackettstown Fire Department.

c. The Duties of the Bureau of Fire Prevention shall consist of:

1. Enforcing the New Jersey Uniform Fire Code.

2. Making any and all inspections as required by law or deemed necessary by the

Fire Prevention Bureau.

3. Making accurate reports of any and all inspections and activities of the Bureau of Fire Prevention.
4. Making recommendations to the appropriate Town officials in furtherance of enforcing or amending the New Jersey Uniform Fire Code.
5. Performing any additional duty which the Mayor and Common Council may assign.
6. Conduct the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
7. Make an annual report of the Bureau of Fire Prevention and transmit to the Mayor and Common Council. It shall contain all proceedings under the New Jersey Uniform Fire Code, with such statistics as the Bureau may wish to include therein. The report is to be transmitted no later than the fourth Monday of January in the next succeeding years following the year for which the report is made.

10-9. Duties of the Fire Official of the Bureau of Fire Prevention.

The duties of the Fire Official of the Bureau of Fire Prevention shall consist of the following:

1. Designating regularly scheduled hours for routine fire inspections.
2. Convening and presiding over meetings of the Bureau of Fire Prevention.
3. Promulgating and administering a budget for the Bureau of Fire Prevention.
4. Formulating and implementing a schedule of routine inspections and reinspections as shall be required.
5. Maintaining accurate records of the inspection reports and activities of the Bureau of Fire Prevention.
6. Performing any additional duty which the Mayor and Common Council may assign pursuant to this ordinance.
7. Formulating and implementing a schedule of inspection and implementing a system that will effectively enforce the provisions of the New Jersey Uniform Fire Code.
8. Perform fire prevention education within the Hackettstown Community.
9. Perform all the duties of fire official as set forth in N.J.S.A. 5:18-3.3.

10-10. Permits Required for Non-Life Hazard Uses.

All owners of buildings, premises, structures, or uses except those which are required to be registered as a life hazard use or requires a permit as a fire hazard use by the New Jersey Fire Code and except single family and two family dwellings occupied by the holder of title to the property and dwelling units within two family and multifamily dwellings, shall annually obtain a permit from the fire official.

10-11. Annual Inspection Required.

Before a permit is issued, the fire official or the fire officials designated representative, shall make or cause to be made an inspection to assure that the buildings, premises, structures, or uses comply with the provisions of the Fire Code.

10-12. Permit.

A permit shall constitute permission to occupy and use such buildings, premises, structures or, uses. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of the Fire Code. Said permit shall remain in effect until revoked or one year, unless otherwise specified. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

10-13. Revocation of Permit.

The fire official may revoke the permit issued hereunder if upon inspection any violation of the Fire Code exists or conditions of a permit have been violated.

10-14. Fee Required.

A permit shall not be issued until the designated fees have been paid. The owners and/or occupiers of all properties and businesses subject to this Article shall be responsible for the payment of the permit fees.

10-15. Amount of Fee.

The fee for permits and inspections for non-life hazard use registrations shall be:

- A. Mercantile businesses shall be inspected yearly with a fee schedule of:
 - \$35.00 for the first 1,000 sq. ft.
 - \$ 5.00 for each additional 1,000 sq. ft.
- B. Factories shall be inspected yearly with a fee schedule of:

\$40.00 for the first 1,000 sq. ft.

\$50.00 for 1,001 to 3,500 sq. ft.

\$60.00 for 3,501 to 6,000 sq. ft.

\$70.00 for 6,001 to 10,000 sq. ft.

C. Warehouses shall be inspected yearly with fee schedule of:

\$40.00 for the first 2,000 sq. ft.

\$50.00 for 2,001 to 5,000 sq. ft.

\$60.00 in excess of 5,000 sq. ft.

D. Repair shops and service business shall be inspected yearly with same fee as mercantile.

E. Business offices (lawyers, doctors and other professional offices, barber shops and insurance offices, etc.) shall be inspected yearly with fee schedule of:

\$30.00 for one (1) professional

\$10.00 for each additional professional

F. All other types of structures and facilities not otherwise described or included in the Section shall be inspected yearly with the same fee schedule as that pertaining to mercantile businesses.

The fee for permits and inspections of life hazard uses shall be as set forth in Uniform Safety Act.

10-16. Inspections and Application for Permit.

Application for a permit required by this ordinance shall be made in such form and detail as the fire official shall require and shall be accompanied by the minimal annual fee of \$25.00 and the estimated additional fee if applicable.

10-17. Unlawful to Fail to Obtain a Permit.

It shall be unlawful to fail to obtain the permit or pay the inspection fees required by this ordinance.

10-18. Penalties for Violations.

The violation of any provision of Sections 10-10 through 10-17 shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the County jail for a term not exceeding ninety

days. Each day any violation of this ordinance shall continue a separate offense and be punishable as such.

ARTICLE 2. FIRE ZONES ESTABLISHED (1999)

10-19. Establishment of Fire Zones.

There are hereby created in the Town of Hackettstown fire zones as set forth in Schedule XVI attached to and made part of this article.

10-20. Designation of Fire Zones.

The chief of police or his designee, shall cause an adequate number of signs conforming to the provisions of the Motor Vehicle Code to be erected and maintained in all fire zones advising the public of the existence of said fire zone and the prohibitions pertaining thereto. In the case of fire zones located on private parking places open to the public, the chief of police, or his designee, shall first give notice to said private property owner before erecting or causing to be erected any fire zone sign provided for herein.

10-21- Prohibited Activity.

No person shall leave standing or park any motor vehicle, moped, motorized bicycle or bicycle, in any fire zone in the Town of Hackettstown.

10-22. Penalty.

Any person violating the provisions of this chapter shall be liable to a fine not to exceed fifty (\$50.00) dollars or imprisonment in the County Jail for a term not exceeding fifteen (15) days for each such violation, and any vehicle listed in section 10-22 hereof parked or left standing in violation of section 10-22 is subject to removal by the police department at the sole expense of the owner or operator thereof.

ARTICLE 3. SMOKE DETECTORS

10-30. Existing Structures.

No owner of an existing single family, two family or multifamily dwelling, on or after the effective date of this Ordinance, shall sell a single family, two family or multifamily dwelling or any residential unit contained therein, unless and until one or more smoke detectors (or other approved fire alarm system) is installed for each dwelling unit being so sold in accordance with all the requirements of the New Jersey Uniform Construction Code and the Uniform Fire Code.

10-31. Enforcement.

(a) The Fire Official of the Town of Hackettstown, or in his absence or unavailability, the Deputy Fire Marshall of the Town of Hackettstown, shall be responsible for the enforcement of the requirements of this Ordinance. Said Fire official or Deputy Fire Marshall, as the case may be, shall inspect and approve all smoke detectors and other fire alarm systems installed in accordance with the provisions of this Ordinance and the New Jersey Construction Code and Uniform Fire Code, including the approval of the location or locations selected for such installation.

(b) In order to inform prospective purchasers of residential properties within the Town of Hackettstown that no residential dwelling unit may be sold without first installing (a) smoke detectors) or such other approved fire alarm system in accordance with the requirements of this Ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code, each and every tax search issued by the Town of Hackettstown shall contain a statement calling attention to the requirements of this Ordinance and shall include a certification for the seller to execute and deliver to the purchaser at the closing of title, attesting to compliance with the provisions of this Ordinance. Such certification form shall be forwarded with each tax search ordered. The fee to be paid to the Town of Hackettstown for the initial inspection and certificate of approval shall be \$25.00.

(c) Whenever a smoke detector or other approved fire alarm system is required to be installed by this Ordinance, such requirement shall not be considered to have been complied with unless such smoke detector(s) or other type of fire alarm system is installed in accordance with all the technical requirements and specifications of the New Jersey Uniform Construction Code (and the

Building Code and Uniformed Fire Code adopted therein by reference) and has been inspected and approved by the Fire Official (or in his absence or unavailability, by the Deputy Fire Marshall).

(d) The owner(s) of the real estate upon which the structure in question is located shall be the party responsible for installation of smoke detectors) or other fire alarm system in accordance with the requirements of this Ordinance,

(e) Any owner of the property upon which is constructed or located a structure required to have installed therein a fire detector or other fire alarm system, and who falls to do so in accordance with the requirements of this Ordinance, shall be liable to a fine of not more than \$500.00 or to imprisonment for not more than thirty (30) days, or to both such fine and imprisonment.

(f) The Fire Official, and in his absence or unavailability, the Deputy Fire Marshall, is hereby empowered, upon reasonable advance notice to the owner and/or the tenant or other party in possession, to come upon any premises and enter any structure which is required to comply with the requirements of this Ordinance in order to verify compliance with this Ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code and to otherwise carry out the objectives and enforcement of this Ordinance.

(g) The Fire Official shall maintain a list of all properties in the Town of Hackettstown which have had smoke detectors or other fire alarm systems installed in accordance with the requirements of this Ordinance and the New Jersey Uniform Construction Code and the Uniform Fire Code.. This list shall be kept current as additional buildings within the Town are equipped with smoke detectors and other fire alarm systems in accordance with this Ordinance.