

CHAPTER XIII

FIRE PREVENTION*

13-1 Bureau of Fire Prevention.

13-1.1 *Established.* A bureau of fire prevention of the borough is hereby established. The bureau shall consist of a fire safety officer who shall be appointed annually on January 1 by the mayor and council and fire inspectors who shall be under the supervision of the fire safety officer. The fire safety officer shall report the names of the inspectors to the mayor and council, and after such inspectors have been confirmed by the mayor and council they shall be sworn in for the faithful performance of their duties.

The fire safety officer shall designate such inspectors from time to time as may be necessary to fill vacancies in the same manner as original inspectors, who shall be sworn in for the faithful performance of their duties.

13-1.2 *Duties of Officers.* It shall be the duty of the fire safety officer of the bureau of fire prevention to enforce all laws and ordinances covering the following:

- a. The prevention of fires.
- b. The storage and use of inflammables.
- c. The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment.
- d. The maintenance and regulation of fire escapes.
- e. The maintenance and adequacy of exits in case of fire from retail establishments, professional buildings, banks, factories, schools, hospitals, churches, halls, theaters, amphitheaters and all other public places in which numbers of persons or the public work, live or congregate from time to time for any purpose.

*The authority to adopt a fire prevention code by reference is contained in N.J.S. 40:49-5.1, et seq.

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f. To cooperate with the chief of the fire department when so requested in the investigation of the cause, origin and circumstances of any fire.

g. The regulation, use, handling, storage and sale of fuel oil for the arrangement, design, construction and installation of burners, tanks and other equipment for the burning of fuel oil, gas or electricity for heating purposes.

They shall have such powers and perform such other duties as are set forth in other sections of this chapter, and as may be conferred and imposed by law.

13-1.3 Regulations.

a. The fire safety officer or any inspector shall inspect as often as may be necessary, but not less than four times a year, all specially high hazardous manufacturing processes, storage, or installations of gases, chemicals, oils, explosives and flammable materials,* all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the fire safety officer shall designate, and shall issue such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of lives and property from fire.

b. The fire safety officer or any inspector designated by him shall inspect as often as may be necessary but not less than two times a year all other establishments identified in 13-1.2e which are not considered high fire hazard areas. The fire safety officer shall designate, and shall issue such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of lives and property from fire.

c. It shall be the duty of the fire safety officer to inspect or cause to be inspected by the bureau of fire prevention, as often as may be necessary such buildings and premises, including the interiors of private dwellings, which have been reported to the fire safety officer for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the borough affecting the fire hazard. Whenever the fire safety officer finds in any building or upon any premises, combustibles

*Such high hazard locations shall include but not be limited to auto body shops, lumber yards, petroleum, liquid gas and chemical distributors.

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or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly inflammable materials, and which is so placed as to endanger property, or finds obstructions on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire, he shall order the same to be removed or remedied.

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d. The fire safety officer, upon the complaint of any person or whenever he deems it necessary, shall inspect all buildings and premises within his jurisdiction whenever any department officer finds any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishment apparatus, or by reason of age or dilapidated condition, or from any other cause is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever such officer finds in any building combustible or explosive matter or flammable conditions dangerous to the safety of the occupants thereof or dangerous to adjoining properties, shall order such dangerous conditions or materials to be removed or remedied.

e. The service of any orders herein required shall be made upon the occupant and owner if different of the premises to whom it is directed, either by delivering a copy to such occupant personally or delivering a copy to and leaving it with any person over 14 years of age in charge of the premises, or by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises.

f. Whenever it may be necessary to serve an order upon the owner of the premises, such order may be served either by delivering to and leaving with the owner a copy of the order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known address by certified mail. Any such order shall forthwith be complied with by the owner or occupant of the premises or buildings.

g. It shall be the duty of the fire safety officer to require teachers of public, private or parochial schools and educational institutions to have two fire drills each month and to keep all doors and exits unlocked during school hours.

h. The fire safety officer shall keep in the office of the borough hall a record of all fires resulting in property damage and all the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby, and whether such losses were covered by insurance, and if so, in what amount. This information shall be obtained from the fire chief within 30 days after the fire occurs. It shall be the duty of the borough clerk to furnish the bureau of fire prevention copies of the zoning ordinance, building code and fire prevention ordinance now in force or hereafter adopted.

13-2 Fire Hazards.

13-2.1 *Tall Grass.*

a. In order to further provide for the protection of life and property from fire within the borough and to prevent possible conflagration, it shall be unlawful for the owner or tenant of vacant lands and fields to permit the grass to stand or remain at a height that would make possible a serious fire spread or conflagration if ignited from any cause, thereby endangering the lives and properties of others in the vicinity.

b. It shall be the duty of the owner or tenant of vacant lands or fields whereon such grass, weeds, brush or other impediments may be growing or standing to remove such within ten days after notice to remove the same has been given in writing by the fire safety officer, any police officer or the board of health.

13-2.2 *Brush, Weeds.*

a. In order to further provide for the protection of life and property from fire within the borough and to prevent possible conflagration, it shall be unlawful for the owner, tenant or occupant of any lands lying within the limits of the borough to allow or permit the existence of such brush, weeds, dead trees, tree trunks, roots, obnoxious growth, filth, garbage, trash, debris or other materials on such lands which create a fire hazard or is injurious to the public health or safety, after the expiration of ten days notice to remove the same, which notice shall issue from the fire safety officer, any police officer, or the board of health and be served according to law.

b. The notice referred to in paragraph (a) shall be served upon an owner or tenant residing in the borough in person, or by leaving it at his usual place of residence with a member of his family above the age of 14 years, upon an owner or tenant not residing in the borough or not available for personal service, either by personal service, or by mailing the notice to him at his last known post office address, or it may be served upon the occupant, manager, operator or agent in charge of the property if the owner or tenant is unknown. If service as herein provided cannot for any reason be made, notice shall be published at least once not less than 30 days before the proposed removal and destruction, as hereinafter provided, in a newspaper circulating in the borough. Notice to infants or persons of unsound mind shall be served upon their guardians. Where lands are held in trust, notice shall be given to the trustee. Where lands are owned or held by joint tenants, tenants in common, or tenants by entirety, or are occupied by more than one person, service upon one owner or occupant shall be deemed as notice to all.

c. At the expiration of any time required of any owner or tenant to remove any matter, the borough shall have the right to remove the same

under the direction of a borough official who shall certify the cost thereof to the mayor and council, who shall examine the same and if found correct, cause the total cost to be charged against the land from which the same was removed. The amount so charged shall become a part of the taxes next to be assessed and levied upon such land, and shall bear interest at the same rate as taxes, and shall be collected and payment enforced by the same officers and in the same manner as provided for the collection and enforcement of taxes.

13-3 Penalties.

Any person who violates any of the provisions of this chapter or neglects to comply with any order or notice issued pursuant to any section herein by the bureau of fire prevention, shall be subject to the provisions of section 5-13 of this revision.

13-4 Enforcement of the Fire Code.

13-4.1 *Local Enforcement.* - Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383) the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Little Silver.

13-4.2 *Agency Designation.* The local enforcing agency shall be the bureau of fire prevention which is hereby created in the Borough of Little Silver.

13-4.3 *Duties of the Bureau of Fire Prevention.* 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 Borough of Little Silver, 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.

13-4.4 *Life Hazard Uses.* The local enforcing agency established by subsection 13-4.2 of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the commissioner of community affairs.

13-4.5 *Organization of the Bureau of Fire Prevention.* The local enforcing agency established by subsection 13-4.2 of this section shall be part of the administrative department of the borough and shall be under the direct supervision and control of the mayor and council of the borough.

13-4.6 *Appointments, Term of Office, Removal of the Fire Official.*

a. The local enforcing agency shall be under the supervision of a fire official who shall be appointed by the mayor subject to confirmation by the borough council. In making this appointment the appointing authority shall make the appointment from among a list of three recommendations provided by the Ex. Chiefs Association of the Little Silver Volunteer Fire Company No. 1.

b. The fire official shall serve for a term of one year. Any vacancy shall be filled for the unexpired term.

c. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the mayor and council of the borough upon the recommendation of the fire official.

d. Inspectors and other employees of the enforcing agency shall be subject to removal by the mayor and council of the borough for inefficiency or misconduct. 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.

13-4.7 *Board of Appeals.* Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency (or agencies) shall have the right to appeal to the construction board of appeals of Monmouth County.

13-4.8 *Additional Required Inspections and Fees.* In addition to the inspections and fees required pursuant to the Act and the regulations of the department of community affairs the following additional inspections and fees shall be required:

a. Mercantile businesses shall be inspected yearly with a fee schedule of:

\$35.00 for the first 1,000 square feet.

\$ 5.00 for each additional 1,000 square feet.

b. Factories shall be inspected yearly with a fee schedule of:

\$40.00 for the first 1,000 square feet.

\$50.00 for 1,001 to 3,500 square feet.

\$60.00 for 3,501 to 6,000 square feet.

\$70.00 for 6,001 to 10,000 square feet.

\$80.00 in excess of 10,000 square feet.

c. Warehouses shall be inspected yearly with a fee schedule of:

\$40.00 for the first 2,000 square feet.

\$50.00 for 2,001 to 5,000 square feet.

\$60.00 in excess of 5,000 square feet.

d. Repair shops and service businesses shall be inspected yearly with the same fee schedule as that pertaining to mercantile businesses.

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

\$20.00 for one professional.

\$10.00 for each additional professional.

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

13-4.9 *Permits.* The permit fees established by the Uniform Fire Code as follows are adopted:

Type 1-	\$ 42.00
Type 2-	\$166.00
Type 3-	\$331.00
Type 4-	\$497.00

13-4.10 *Effective Date.* This section shall take effect upon final passage and publication according to law.

13-5 Smoke Detectors:

13-5.1 *Requirements.* Shall comply with N.J.A.C. 5:70-2.3 Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance.

13-5.2 *Certificate of Occupancy.* Where a change of occupancy of any building subject to the requirements of subsection 13-5.1 is subject to the issuance of a certificate of occupancy, no such certificate shall be issued until the agency responsible for its issuance has determined that the building is equipped with an alarm, device or devices as required by subsection 13-5.1.

13-5.3 *Certificate of Compliance.* In case of change of occupancy of any building subject to the requirements of subsection 13-5.1 to which the provisions of subsection 13-5.2 of this section do not apply, no owner shall sell, lease or otherwise permit occupancy for residential

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purposes of that building without first obtaining from the relevant enforcement agency under the "Uniform Fire Safety Act," P.L. 1983, c. 383 a certificate evidencing compliance with the requirements of this section.

13-5.4 *Fee.* The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC), 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:

- a. Requests for CSDCMAC received more than ten business days prior to the change of occupant: \$35.00
- b. Requests for CSDCMAC received four to ten business days prior to the change of occupant: \$70.00
- c. Requests for CSDCMAC received fewer than four business days prior to the change of occupant: \$125.00

13-5.5 *Violations and Penalties.* An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this section when the premises do not comply with the requirements hereof, shall be subject to the provisions of section 5-13 of the Revised General Ordinances of the Borough of Little Silver.