

ORDINANCE 2023-1306

BOROUGH OF MANVILLE BUREAU OF FIRE SAFETY
ORDINANCE

AN ORDINANCE REPEALING ORDINANCES #2013-1135 AND #2014-1143 AND TO ENACT THE UNIFORM FIRE SAFETY ACT (P.L. 1983, C. 383) WITHIN THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY AND ESTABLISHING CERTAIN REGISTRATION AND PERMIT FEES IN ACCORDANCE WITH SAID CODE.

WHEREAS, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards which have been made part of the Uniform Fire Code (N.J.A.C. 5:70.1 et seq.).

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

WHEREAS, it is in the best interest of the Borough of Manville to have the Uniform Fire Code enforced locally; and

WHEREAS, the local fire service has agreed to the plan, which is set forth herein, for the administration and enforcement of the Uniform Fire Code.

NOW, THEREFORE BE IT ORDAINED by the governing body of the Borough of Manville in the County of Somerset and the State of New Jersey, as follows:

Section 1. LOCAL ENFORCEMENT

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Borough of Manville.

Section 2. AGENCY DESIGNATION

The local enforcing agency shall be the Borough of Manville through its Bureau of Fire Safety, which is hereby created therein. The Bureau of Fire Safety shall hereinafter be known as the local enforcing agency.

Section 3. DUTIES

(A) The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Manville other than one- and two-family owner-occupied dwellings used exclusively for dwelling

purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State.

(B) The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

Section 4. ORGANIZATION

(A) The Bureau of Fire Safety established by Section 2 of this ordinance shall be under the direct supervision and control of the Fire Marshal who shall report to the Manville Borough Administrator.

(B) When the need requires, the Bureau of Fire Safety shall have Fire Inspectors, who shall report to the Fire Marshal.

(C) The Fire Marshal and Inspector(s) shall be members of the Borough of Manville Fire Department, and shall cover insurance requirements in the performance of their duties, in cooperation with the Borough of Manville.

Section 5. APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REMOVAL

(A) Appointment and Qualifications of the Fire Marshal.

The Fire Marshal shall be certified by the State of New Jersey Division of Fire Safety and appointed by the Mayor with consent of the council upon recommendation of the Policy, Planning, and Personnel Committee.

(B) Appointment and Qualifications of Inspectors and Other Employees.

The governing body upon recommendation of the Fire Marshal shall appoint Fire Inspectors and other employees of the enforcing agency. The Fire Inspector(s) shall be certified by the State of New Jersey Division of Fire Safety.

(C) Appointment of Legal Counsel.

The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

(D) Term of Office.

The Fire Marshal shall serve for a term of a minimum of (3) three years commencing January 1.

Fire Inspectors, when appointed per section 5(b), shall serve the same term.

(E) Removal from Office.

The Fire Marshal, Fire Inspectors and other employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the appointing authority or hearing officer designated by the same.

Section 6. LIFE HAZARD USES

The Bureau of Fire Safety established by Section 2 of this ordinance shall carry out a

periodic inspection of life hazard uses inspections required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

Section 7. NON-LIFE HAZARD USES

(A) In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Safety. These uses shall be inspected in a cyclical program established by the Borough of Manville Bureau of Fire Safety and pay a registration fee.

(B) Registration: All businesses, non-owner occupied one- and two-family dwellings and multiple family dwellings in the Borough of Manville are required to register with the Borough of Manville Bureau of Fire Safety, within 30 days from receipt of notice. Failure to register is subject to a \$500.00 fine.

(C) Fees: The owner of each business, office, storefronts, common area, basements, place of assembly, non-owner occupied one- and two-family dwelling & multiple dwelling, not already a state LHU, shall pay to the Borough of Manville Bureau of Fire Safety an annual registration fee. The fees shall be as follows (Note: square footage based upon gross floor area including basements.)

The Borough of Manville registration fee schedule for non-life hazard use businesses are as follows:

- Class I: under 500 sq. ft. – \$ 55.00
- Class II: 501 - 1000 sq. ft.- \$ 75.00
- Class III: 1,001 – 3000 sq. ft.- \$ 100.00
- Class IV: 3,001 – 5000 sq. ft. - \$ 150.00
- Class V: 5,001 – 7,999 sq. ft. - \$ 200.00
- Class VI: 8,000 – 11,999 sq. ft. - \$ 250.00
- Class VII: 12,000 – 14,999 sq. ft. - \$ 300.00
- Class VIII: 15,000 sq. ft. and over - \$ 375.00
- Class IX: Retail or commercial common area - \$ 100.00
- Class X: Eating & Drinking establishments with less than 50 occupants in which no alcoholic beverages are consumed shall be \$100.00

Non-owner occupied one- and two-family dwellings and multiple family dwellings Fire Registration fees as LEA (Local Enforcement Agency) of New Jersey State Fire Code are as follows (payment of these fees shall be the responsibility of the owner of the premises):

- Non-owner occupied 1 & 2 family dwelling - \$50
- MD- 1: 3 - 5 units - \$100.00
- MD- 2: 6 - 9 units - \$200.00
- MD- 3: 10 - 12 units - \$300.00
- MD- 4: 13 - 15 units - \$400.00
- MD- 5: 16 - 18 units - \$540.00
- MD- 6: 19 - 21 units - \$630.00
- MD- 7: 22 units or more - \$660.00 + \$30.00 for each additional unit above 22

units

- MD- 8: Multiple family dwelling common area - \$50.00

(D) Failure to pay registration fees: It shall be unlawful to refuse to pay a registration fee after being given notice do to so as per the established fee schedule of this ordinance in Section # 7(C), pursuant to the Uniform Fire Safety Act N.J.S.A. 52:27D-192 et.seq, section N.J.S.A. 52:27D-210. Any penalties assessed are in addition to other previously assessed; full payment shall be made in full within 30 days after notice was issued. If payment is not received in 30 days the matter will be referred to the Borough Attorney for Summary Collection pursuant to the Penalty Enforcement Law (N.J.S.A 2A: 58-10 et. seq).

Section 8. PERMITS AND CERTIFICATE OF FIRE CODE STATUS

(A) The application fees for the permits listed in the New Jersey Uniform Fire Code N.J.A.C. 5:70-2.7(a) of the current adoption code version as provided by State regulation.

- **5:70-2.9(c)** The application fee for a permit shall be as follows:
 1. Type 1--\$ 54.00;
 2. Type 2--\$ 214.00;
 3. Type 3--\$ 427.00;
 4. Type 4--\$ 641.00.
 - i. Exception: There shall be no fee for Type 4 permits for storage or activity at a premises registered as a life hazard use in accordance with this subchapter.
 - **5.** (Reserved)

The fee schedule shall be modified within this ordinance to reflect changes listed in the New Jersey Uniform Fire Code N.J.A.C. 5:70-2.9(c).

(B) The cost for the issuance of a Certificate of Fire Code Status (5:70-2.2(e)) seventy-five dollars (\$75.00)

Section 9. FILE INFORMATION REQUESTS

A fee of twenty-five dollars (\$25.00) shall be required for all requests for fire investigation reports. All other file information requests shall be charged at the photocopy rate of seventy-five (.75) cents per page. A fee of thirty dollars (\$30.00) shall be required for all requests for fire investigation photos.

Section 10. EXEMPTION AND WAIVER OF FEE SCHEDULE

(A) Any property owned by the Borough of Manville is exempt from payment of any fees set forth in this ordinance.

(B) Any non-profit organization, when conducting an event, may request a refund of application fees and costs for the issuance of a Permit and Certification of Fire Code Status as set forth in Section 8 above. The request for a refund shall be made after

conclusion of the event and shall be submitted to the Borough Council along with proof of the organization's non-profit status as well that the event for which the permit was obtained is not a fund-raising event. Upon receipt of such proof, the Borough Council shall authorize reimbursement of the application fees and costs to the non-profit organization.

Section 11. TECHNICAL AMENDMENTS

"Reserved"

Section 12. BOARD OF APPEALS

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act and N.J. Uniform Fire Code N.J.A.C. 5:70-2.19, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of the County of Somerset.

Section 13. ENFORCEMENT, VIOLATIONS, AND PENALTIES

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

Section 14. CERTIFICATION OF SMOKE DETECTOR COMPLIANCE

(A) Before any use group R-3 or R-4 (residential) structure is sold, leased, rented or otherwise made subject to Change of Occupancy for residential purpose, the owner of the residence shall obtain a Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance (CSACMAPFEC), evidencing compliance with N.J.A.C. 5:70-2.9 (d) and N.J.A.C. 5:70-4.19.

(B) The owner or authorized agent of the owner shall apply for a CSACMAPFEC inspection by an application provided by the Bureau of Fire Safety.

(C) A CSACMAPFEC shall not be transferable. If a change of occupancy does not occur within six (6) months, a new application and certificate shall be required.

Fees: The application fees for the CSACMAPFEC as listed in the New Jersey Uniform Fire Code N.J.A.C. 5:70-2.9(d) of the current adoption code version as provided by State regulation.

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 four business days prior to the change of occupant: \$161.00.
4. Re-inspection fee for a CSACMAPFEC shall be thirty-five (\$ 35.00)
5. Changing ownership of a property or tenant change of a rental unit before a CSACMAPFEC inspection is completed will result in a penalty, and any false statements will result in the revocation of the certificate(s) and may result in the issuance of penalties up to \$500.00 in accordance with N.J.A.C. 5:70-2.12 and pursuant to N.J. Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.)

Section 15. FIRE EXTINGUISHER INSPECTION PART OF CSACMAPFEC

Borough of Manville requires all R-3 Residential one & two family structures being sold shall have a 2A:10-B:C fire extinguisher within 10 feet of the kitchen(s), brackets or hangers supplied shall be used, extinguisher shall not be blocked by furniture, storage or other items; extinguisher(s) shall be near a room exit or travel path that provides an escape route to the exterior, all owner's manual or written information regarding the operations, inspection and maintenance of extinguisher shall be attached to fire extinguisher.

Section 15(a). Fire Extinguishers required in Apartment Buildings

Borough of Manville requires all R-2 Residential Multiple Dwellings structures shall have a 2A:10-B:C fire extinguisher within 10 feet of the kitchen(s), brackets or hangers supplied shall be used, extinguisher shall not be blocked by furniture, storage or other items; extinguisher(s) shall be near a room exit or travel path that provides an escape route to the exterior, all owner's manual or written information regarding the operations, inspection and maintenance of extinguisher shall be attached to fire extinguisher.

Section 16. FIRE ALARMS AND REPORTING

(A). The Fire Marshal shall investigate, or cause to be investigated, the activation of any fire alarms, fire detector or fire protection system occurring within the jurisdiction to determine the cause for such activation and to determine if the device and /or equipment have been properly restored to full service.

(B). Failure to report: It shall be a violation of this code for any person or persons, having knowledge of same, to fail to report to the Borough Fire Marshal and/or Fire Department the activation of any fire protection system or device or to fail to report the occurrence of any fire or any 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). Penalties for failure to report: Failure to report occurrences listed in Section 16(B) may result in the issuance of penalties as listed in N.J.A.C. 5:70-2.12 and N.J.A.C. 5:70-2.13.

Section 17. FIRE LANES AND FIRE ZONES

(A). Designation of Fire Lanes and Fire Zones

1. Certain areas shall be designated as fire lanes to provide clear access to buildings

for the firefighting equipment in the event of an emergency call. Fire hydrants and water connection devices located on local, County, State and private roads shall be designated as fire zones.

2. Fire lanes/fire zones may be located on public or private property.

3. Fire lanes/fire zones shall be established by the Borough Fire Marshal, and drawings of properties delineating fire lanes/fire zones shall be kept on file with the Bureau of Fire Safety.

(B). Notice to Affected Property owners:

1. Notice that a property requires the posting of signs or painting of fire lanes/fire zones shall be sent to the property owner by Bureau of Fire Safety whether by personal delivery, email or certified mail.

2. Within thirty (30) days of receipt of notice, said property owner shall install required signs and paint required stripes.

(C). Intervention by the Borough for failure to comply:

In the event that a property owner fails to comply with the requirements of this Section, the Bureau of Fire Safety will assess penalties until compliance is met, with a starting amount of \$500.00 to a maximum of \$5,000.00.

(D). Parking, Stopping or Standing of Vehicles Prohibited

No person shall park, stop or leave standing any vehicle, whether attended or unattended, in any designated fire lane or fire zone or obstruct any designated fire lane or fire zone.

(E). No person shall park, stop or leave standing any vehicle, whether attended or unattended, within fifteen (15') feet of any fire hydrant or other Fire Department Connection water connection device.

(F). Restrictions for Loading Zones

In loading zones designated herein, attended vehicles may stop solely for the purpose of loading or unloading and only for the time necessary to accomplish such loading or unloading.

(G). Installation of Signs, Painting of Lines

1. Markings: The owner shall, within thirty (30) days of being given notice to do so by the Fire Marshal, mark the lanes as follows:

(a). Signs, with minimum dimensions of twelve inches by eighteen (12"x 18") inches constructed of metal with raised red letters a minimum of two (2") inches in size on a white background shall be posted at a level of at least seven (7') feet above grade, indicating "NO PARKING AT ANYTIME". Immediately under these signs shall be another sign, with minimum dimensions of twelve inches by six (12" x 6") saying "FIRE ZONE" or "FIRE LANE". The spacing of signs shall be even with a minimum of one (1) sign for every fifty (50') feet of fire lane or part thereof, or as ordered by the Fire Marshal. All signs and markings must be unobstructed and visible for a distance of at least one hundred (100') feet when viewed from a position approximately five (5') feet above the ground while in the fire lane.

2. Diagonal yellow lines shall be painted on the pavement along the length of the fire lane/ fire zone. Fire lanes or Fire Zones shall have a minimum width of eighteen (18') feet with (2') High letters stating:

FIRE ZONE FIRE LANE
NO PARKING NO PARKING

3. Fire zones associated with fire hydrants and water connection devices shall be identified with yellow paint extending fifteen (15') feet in both directions on the curb and/or pavement where possible.

4. All curbing within the fire lane or fire zone shall be painted yellow.

(H). Enforcement Agencies for the Parking in Fire Lanes / Fire Zone will be the Borough of Manville Bureau of Fire Safety and the Manville Police Department and shall have full jurisdiction in policing and issuing parking summons.

(I). Penalties.

1. Property owners failing to install signs or paint pavement within thirty (30) days of receipt of notice shall be subject to a fine not to exceed five hundred (\$500) dollars in accordance with the requirements of the New Jersey Fire Safety Code.

2. Violators who park illegally in a fire lane or fire zone blocking emergency services, obstruct fire hydrants from use, or obstruct fire department connections from use by emergency services during an emergency incident, shall be subject to a fine: (1) In a place of public assembly or education--a maximum of \$5,000 per occurrence; (2) In any other place--a maximum of \$1,000 per occurrence (N.J.A.C. 5:70-2.12(b)4ii). Said fine shall be imposed on complaint.

3. Violators who park illegally in a fire lane or fire zone, obstruct fire hydrants from use, or obstruct fire department connections from emergency services, shall be subject to a fine of One Hundred (\$100.00) dollars. Said fine shall be imposed on complaint.

4. All fines and penalties shall be paid to the Borough of Manville Bureau of Fire Safety.

Section 18. CONSTRUCTION ACTIVITIES

(A). Combustible refuse, rubbish and debris shall be cleaned up and deposited in a noncombustible refuse container. All refuse container(s) shall be located a minimum of ten (10) feet from any building, structure, and lot line or combustible material storage location.

Section 19. FIRE DEPARTMENT/FIREFIGHTING ACCESS

(A). Fire Department access shall be provided and maintained to all structures in the Borough, fire access roadways shall be capable of providing emergency vehicle access at all times.

(B). Access to a structure for the purpose of firefighting shall be provided. Obstructions to hydrants, fire department connections shall be prohibited.

(C). Penalty for violations shall be subject to a fine of Five hundred (\$500.00) dollars. Said fine shall be imposed on complaint.

Section 20. MUNICIPAL COOKING ORDINANCE

(A). New Jersey State Uniform Fire Code adopted under N.J.A.C. 5:70-3, et seq., is hereby supplemented by the following provisions:

(1). Except for detached one and two family owner occupied residential dwellings structures of R-3 Use Classification: No cooking equipment, including but not limited to barbecue grills, charcoal grills, hibachi grills, propane and other gas-fueled grills, shall be stored or used on any porch, balcony, deck or other similar portion of a building or under any building overhang and shall be placed at least 10 feet from any combustible landscaping or ground covering.

(2). No outdoor cooking equipment, including those specifically listed above, shall be used within any room or space of a building, within five (5) feet of any combustible exterior wall, or within five (5) feet vertically or horizontally of an opening in any wall.

(3). There shall be no storage of propane or any fuel on any porch, balcony, deck or similar portion of a building, within any room or space of a building, within five (5) feet vertically or horizontally of an opening in any wall.

(B). Penalty for violations.

Any person, firm or corporation violating any of the provisions of the code or failing to comply with any order issued pursuant to any section thereof, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, (\$1,000) or by imprisonment in the County Jail for not exceeding ninety (90) days or any combination of the above.

Section 21. FIRE HYDRANT SPACING

(A). All fire hydrant locations in the Borough of Manville shall have 300 feet spacing between hydrants.

(B). Obstructing or blocking a public or private fire hydrant, fire department connection, etc. is prohibited, any person, firm or corporation violating this provision of the code or failing to comply, shall be punished by a fine not exceeding one hundred dollars (\$100.00).

Section 22. POSTING OF ADDRESS NUMBERS ON STRUCTURES

(A) All structures in the Borough of Manville shall have an address number visible from the roadway, to assist emergency service workers responding to the aid of an emergency call. The numbers used shall be contrasting color to the surface on which it is mounted and of sufficient size to be legible from the street.

(B) Penalty for violation shall be subject to a fine of fifty (\$50.00) dollars. Said fine shall be imposed on complaint and conviction in the municipal court of the Borough of Manville.

Section 23. OPEN BURNING/OPEN FIRES

(A) General: A person shall not cause or allow open burning unless approved in

accordance with this code and N.J.A.C. 5:70-307.

(B) Definitions: For the purpose of this section, the following definitions shall apply:

Chiminea, outdoor fireplace shall mean as defined by the manufacturers, approved containers for open burning.

Firewood shall mean trunks and branches of trees, shall not include leaves, needles, and vines or brush.

Nuisance shall mean any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

Open burning shall mean the burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, *recreational fires* or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed, when during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

Portable Outdoor Fireplace: A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other non-combustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

Recreational Fire: An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Treated lumber shall mean dry wood which had been milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

Untreated lumber shall mean dry wood which has been milled and dried, but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

(C) Open Burning Regulations:

(a) Allowable burning: Open burning in approved containers shall be allowed with prior notification and approval of the Borough Fire Marshal for outdoor fireplace, portable outdoor fireplace, recreational fires and similar occupational needs.

(b) Fires shall be limited to a maximum three (3) foot diameter and two (2) foot height and must be contained in a noncombustible chiminea or outdoor fireplace, or as approved by the Borough Fire Marshal.

(c) All openings in the container must be covered with wire mesh or other screening materials that will prevent the passage of sparks or embers.

(d) Fires must be kept at least fifteen (15) feet from any structure or combustible exterior

wall and shall not be used within any building or dwelling unit, or on any combustible porch, balcony or any other combustible portion of a building. They shall not be placed under any building overhang and shall be placed at least fifteen (15) feet from any combustible landscaping or ground covering.

(e) Fires must be constantly attended, and a fire extinguisher or water hose shall be placed in the area of open burning, which includes fire in containers.

(f) Agricultural burning of herbaceous or infected plant life, the burning of orchard pruning and cutting, prescribed burnings and clearing of agricultural land by burning are prohibited.

(g) Yard waste, leaves, brush, vines, evergreen needles, branches smaller than three (3) inches in diameter, treated lumber, garbage, paper products, furniture, building material or anything other than firewood as set forth herein is prohibited

(h) All open fires, as set forth herein shall be extinguished no later than 12:00 a.m., which includes chiminea and outdoor fireplaces.

(i) The Fire Marshal shall order any open fire, or use of a chiminea, outdoor fireplaces or fire pit which creates a nuisance, to be extinguished immediately.

- 1) Failure to comply with the Fire Marshal's order to extinguish the fire will result in the issuance of a penalty/summons in the amount of \$100.00 and appearance in Municipal Court will be required. Extinguishment of the fire will be completed by the Municipal Fire Department.

(m). Portable outdoor fireplace shall not be used:

- 1) Within any building or dwelling unit.
- 2) On any combustible porch, balcony or any other combustible portion of a building.
- 3) Within 15 feet of any combustible exterior wall;
- 4) Within 15 feet of vertically or horizontally, of an opening in any wall;
- 5) Under any building overhang;
- 6) Within 15 feet of any combustible landscaping or ground covering.

(m) Permits required:

- 1) State Forest Fire Service in the New Jersey Department of environmental protection N.J.A.C. 7:27-2 and/or,
- 2) Permit issued by the Borough Fire Marshal

(n) Liability: A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(o) Right of Entry and Inspection: The Fire Marshal or any authorized officer, agent, employee or representative of the Borough of Manville who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

Section 23A. Enforcement and Penalties:

(A). The Fire Marshal or any authorized agent of the Borough of Manville is authorized

to enforce the provisions of this ordinance.

(B). Any person, firm or corporation, violating any of the provisions of this ordinance, or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction which shall be punishable by civil fine of no less than \$250.00 and no more than \$1,000.00 or imprisonment not exceeding ninety days, or both.

Section 24. FIRE ALARM MONITORING SYSTEM PERMIT

(A). Installation:

Every "alarm business" shall be certified by the New Jersey Division of fire safety as a Certified Fire Protection Contractor and licensed by the Electrical Board of Examiners as Fire Alarm/Burglar Alarm Contractor.

All alarm systems must be installed in compliance with the Ordinance, Uniform Construction Code and the International Fire Code of the State of New Jersey.

(B). Instruction:

All alarm system owners should receive proper instruction on the operation of their system from their alarm system service contractor.

(C). Registration:

All alarm systems shall be initially registered with the Borough of Manville Fire Marshal's Office. The alarm user shall complete and file an alarm system registration information with the business/property registration.

(D). Information Change:

If a change occurs in the information previously submitted, the permittee shall forward the corrected information to the Borough of Manville Fire Marshal within ten (10) days of the change.

(E). Reporting Alarm Activation:

All alarm activations should be reported to the Borough of Manville Police Department or Somerset County Communication Center. When the alarm is being initially reported to the dispatcher, the caller (homeowner, business owner, employee, Alarm system monitoring company operator, etc.) shall provide all known information regarding the alarm activation.

Should an alarm user accidentally activate their alarm system, the user should immediately notify the Borough of Manville Police Department or Somerset County Communication Center and their alarm business/monitoring company of the occurrence.

(F). False Alarms:

Investigations: In the case where false alarms warrant an investigation, the Borough of

Manville Fire Marshal shall investigate or cause to be investigated any medical, fire, fire Sprinkler/water flow, temperature, or high water alarm, as required by New Jersey State Fire Code.

(G). Penalties:

1. First False Alarm- Verbal/Written warning
2. Second false alarm- \$150.00 penalty
3. Third false alarm-\$300.00 penalty
4. Fourth False alarm and subsequent false alarms after - \$500.00 per occurrence

(H). Fire Department Lock Boxes (KNOX BOX):

The installation of a Fire Department Lock Box (Knox box) shall be required when any fire alarm or fire suppression system is installed at the location of business, for immediate access for life-saving or firefighting purposes. Location of the installation of the Knox box shall be determined by the Fire Marshal.

Section 25. FIRE WATCH DUTIES

(A). No fire alarm or fire sprinkler system shall remain out of service for any period of time without notification of the Borough Fire Marshal. The Fire Marshal shall determine whether a fire watch is deemed necessary. In no case shall a required and/or installed fire alarm or fire sprinkler system be rendered inoperable in an attempt to eliminate preventable alarms without the written consent of the fire official. In the event system found not operating, provisions for constantly attending fire watch shall be posted in the building or premise on which the alarm is located. Any alarm found to be out of service without the written consent of the Fire Marshal shall be subject to penalties described in the New Jersey Uniform Fire Code.

(B). Fire Watch Defined – A Fire Watch is a physical inspection conducted when a building's fire alarm, sprinkler or other suppression systems, are temporarily out of service. Posting of a Fire Watch is the responsibility of the building owner or their designated representative, which may include tenants or construction superintendents. Fire Watch personnel are required to continually patrol the facility for evidence of smoke, fire, or any abnormal conditions. Whenever a life-threatening situation is discovered, the fire watch personnel must immediately contact emergency personnel, and then alert the occupants and assist in the orderly evacuation of the facility.

(C). Fire Watch Personnel – Competent, responsible, and able bodied-individuals shall be selected to conduct Fire Watches, as approved by the Fire Marshal. Fire Watch personnel shall have that sole duty and not perform any other duty other than Fire Watch. A representative of the Borough of Manville Fire Service or New Jersey State Certified Firefighter(s) or Federally Certified Firefighter(s), shall be acceptable but must be approved by the Fire Marshal, and shall be allowed to provide[e] and perform a fire watch at the cost listed in the section entitled, Fire Watch Fees Established of this section. Fire Watch shall continue to be conducted by a fire department representative(s) until a fire protections system has been deemed in operation standards, as approved by the Fire Marshal. Where special circumstances exist, such

as the presence of exceptional hazards or large areas, additional Fire Watch Personnel may be required by the Fire Marshal. The Borough of Manville Fire Service shall include fire personnel of Borough of Manville Fire Department.

(D). Fire Watch Log – A separate log identifying each building, area, under the Fire Watch by name and address shall be kept. Log entries shall be made hourly at the completion of each round. Log entries shall consist of the date, the time the round was completed, a summary of what was observed, and the name and signature of the individual conducting the fire watch. The Fire Watch Log shall be kept readily accessible for review by the Fire Marshal.

(E). Duties for Fire Watch Personnel – Individuals who are selected for Fire Watch details shall be briefed to have a thorough understanding of the purpose and responsibilities of their assignment. Procedures and instructions shall also have a basic understanding of the location, function, and normal status of the fire alarm and sprinkler systems, including fire pumps. Fire Watch personnel shall conduct hourly rounds by walking throughout the entire building or affected area, looking for evidence of smoke, fire, or any abnormal conditions. The specific route shall be laid out so that the Fire Watch person is required to pass through the entire area to be covered. Where special circumstances exist, such as the presence of exceptional hazards or large areas, additional patrols may be required by the Fire Marshal. Individuals selected shall know the location and operation of all portable fire extinguishers on site.

(F). Emergency Communications – The individual conducting the Fire Watch shall be equipped with a cell phone for prompt notification of emergency services (via 9-1-1) in the case of an emergency. Alternate methods of communication are acceptable by the Borough Fire Marshal shall be the use of fire service portable radio.

(G). Written Notification - Written notification of intention to post a Fire Watch when planned, or the actual posting of a Fire Watch necessitated by an unplanned event, shall be forwarded to Fire Marshal. This correspondence shall be put on the official letterhead of the business, general contractor, or subcontractor assuming responsibility for the detail. The letter shall specify the business name and address; the buildings or portions thereof affected; the purpose of the Fire Watch (i.e. fire alarm, sprinkler, or other suppression systems out of service); the dates and times these systems will be nonfunctional and the Fire Watch will be in effect; the qualifications of the individual(s) selected; and the specific type of communication device they will have immediately available (i.e. cell phone or portable radio).

(H). Fire Watch Fees Established – When a representative of the Manville Fire Service or a New Jersey State Certified Firefighter or a Federally Certified Firefighter used for the Fire Watch, the following fee schedule shall be enforced. The Owner of the structure shall make payment to the Borough of Manville for conducting the fire watch, the amount established by these fees.

- (1) Hourly rate for each individual up to 12 hours: \$50.00 per hour.
- (2) Hourly rate for each individual beyond 12 hours: \$65.00 per hour.

- (3) Use of fire apparatus (Engine) up to 12 hours: \$ 125.00 per hour.
- (4) Use of fire apparatus (Engine) beyond 12 hours: \$ 175.00 per hour.
- (5) Use of fire apparatus (Ladder) up to 12 hours: \$ 175.00 per hour.
- (6) Use of fire apparatus (Ladder) beyond 12 hours \$ 200.00 per hour.

(l). Any member of the Manville Volunteer Fire Department accepting the Fire Watch Duties shall be paid \$30.00 per hour for services rendered.

Section 26. RELATIONSHIP WITH STATE FIRE PREVENTION CODE

The provisions of this ordinance shall be read in conjunction with the provisions of Fire Safety Code of the Borough of Manville. If any inconsistencies exist between the contents of this ordinance and the N.J. Uniform Fire Code, the N.J. Uniform Fire Code shall take precedence and be entitled to full effect.

Section 27. REPEAL OF PREVIOUS ORDINANCES

Ordinances #607, #2009-1076, #2013-1135 and #2014-1143 are hereby repealed in their entirety and all other ordinances or parts thereof inconsistent with this ordinance shall be and the same are hereby repealed.

Section 28. SEVERABILITY

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 29. EFFECTIVE DATE

This ordinance shall take effect immediately upon final passage and publication as required by law.

Gian-Paolo Caminiti
Acting Borough Clerk

Richard M. Onderko
Mayor

INTRODUCED this 27th day of November, 2023

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans	X			
	X	DeVito	X			

		Lukac	X			
		Madak	X			
		Skirkanish	X			
X		Szabo	X			
		Onderko				

SECOND READING AND FINAL ADOPTION:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans	X			
		DeVito	X			
	X	Lukac	X			
		Madak				X
		Skirkanish	X			
X		Szabo	X			
		Onderko				

[ADOPTED] this 11th day of **December**, 2023

Attest:

Traci Dillingham

Traci Dillingham
Deputy Borough Clerk