

TOWNSHIP OF WALL

ORDINANCE NO. 20-2015

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL
AMENDING AND SUPPLEMENTING VARIOUS SECTIONS CHAPTER 113
REGARDING FIRE PREVENTION

WHEREAS, the Township of Wall is required pursuant to the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.) to safeguard the life, property and public welfare of the residents of Wall Township; and

WHEREAS, the Township of Wall seeks to update the Wall Township Municipal Code to properly identify and define "local enforcing agency"; and to incorporate other modifications which are required due to amendments to the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.); and,

WHEREAS, the Township Committee has determined that it would be appropriate, proper and in the best interests of the residents of the Township of Wall to amend and supplement certain provisions in Chapter 113 of the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall as follows:

SECTION 1. Chapter 113, Sections 113-1, 113-2, 113-3, 113-4, 113-5, 113-6, 113-7, 113-8, of the Township Code shall be amended and supplemented as follows:

§ 113-1. Uniform Fire Code as Local Fire Prevention Code.

There is hereby adopted by the Township for the purpose of prescribing minimum requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosion, the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.) and all amendments and supplements thereto and those amendments set forth in § **113-5** hereof. This shall be known as the "Local Fire Prevention Code."

§ 113-2. Enforcement by Joint Board; inspectors; annual report.

A.

The Local Fire Prevention Code shall be enforced by the Bureau of Fire Prevention as established through mutually executed shared service agreements between the Three (3) Township based Fire Districts. Per the shared service agreements The Bureau of Fire Prevention will be governed by Fire District #1

B.

Annual report. A report of the **Fire Official** shall be made annually and transmitted to the chief executive officer of the Township; it shall contain all proceedings under this code, with such additional statistics as the **Fire Official** may wish to include therein. The **Fire Official** shall also recommend any amendments to the code, which, in his judgment, shall be necessary and/or appropriate.

C. (DELETED)

§ 113-3. Local enforcement agency designated; appeals; inspection and permit fees.

A.

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 enforced locally in the Township of Wall.

B.

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Agency designation. The local enforcing agency shall be the Bureau of Fire Prevention as established by the shared service agreement between the Three (3) Township Fire Districts and managed by the **Board of Fire Commissioners Wall District #1**.

C.

Duties of Bureau of Fire Prevention. The Bureau of Fire Prevention as established by the shared service agreement between the Three (3) Township Fire Districts and managed by the **Board of Fire Commissioners Wall District #1** shall enforce the Uniform Fire Safety Act and the Uniform Fire Code, and the codes and regulations adopted thereunder, in all structures within the Township, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. The Bureau of Fire Prevention as established by the shared service agreement between the Three (3) Township Fire Districts and managed by the **Board of Fire Commissioners Wall District #1** shall also enforce the Local Fire Prevention Code in the Township.

D.

Life hazard uses. The Bureau of Fire Prevention as established by the shared service agreement between the Three (3) Township Fire Districts and managed by the **Board of Fire Commissioners Wall District #1** shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code.

E.

The Bureau of Fire Prevention

(1) The Bureau of Fire Prevention shall be established by the Board of Commissioners of **Wall District #1**. Through the shared service agreements, a Fire Bureau Committee has been established. The Committee consisting of two Commissioners from each of the Township's three fire districts, will act in an advisory role and will have oversight on major operating issues such as budget development, report review, etc.

(2) The Fire Official shall be appointed by the Board of Fire Commissioners of Wall District #1, with the advice of the Fire Bureau Committee. The term of office of the Fire Official shall be at the pleasure of Wall Fire District #1 with the consent of The Fire Bureau Committee. The Fire Official shall supervise the enforcement of the Uniform Fire Safety Act and the Local Fire Prevention Code within the Township and any and all subordinate employees retained to carry out the requirements thereof.

(3) The Fire Official may be removed from office for cause by the Board of **Fire Commissioners of Wall District #1** after having been given at least 10 days' notice of a hearing to be held by the Fire Bureau Committee, at which time the Fire Official shall have the opportunity to be heard on any charge against him.

(4) Such inspectors or other employees as may be necessary to enforce and administer the Uniform Fire Safety Act and the Local Fire Prevention Code shall be appointed by the Board of Fire Commissioners Wall District #1 with the advice of the Fire Bureau Committee. The salaries of all employees of the Bureau of Fire Prevention shall be established by the Board of Fire Commissioners Wall District #1 at the recommendation of the Fire Bureau Committee.

F.

Board of Appeals. Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act (N.J.S.A. 52:27D-206 and 52:27D-208), any person aggrieved by any action of the local enforcing agency shall have the right to appeal such action to the Construction Board of Appeals having jurisdiction in the municipality in which the building, structure or premises is located.

G.

Fees; inspections.

(1) The permit fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-2.9, shall be followed.

(2) In addition to the inspections and fees required for life-hazard uses pursuant to the Uniform Fire Safety Act and the regulations of the Department of Community Affairs, the following fees will be assessed for inspections of all non-life-hazard uses by the Bureau of Fire Prevention:

[Amended 2-9-2005 by Ord. No. 5-2005; 5-12-2010 by Ord. No. 5-2010; 12-18-2013 by Ord. No. 26-2013]

(a) All commercial building inspections:

[1] Buildings:

Square Footage	Fee
0 to 1,000	\$60
1,001 to 2,000	\$85
2,001 to 3,000	\$110
3,001 to 5,000	\$140
5,001 to 7,000	\$175
7,001 to 10,000	\$250
10,001 and over	\$250 first 10,001 square feet; \$20 each additional 1,000 square feet

[2]

[2] Common areas: \$75.

[3]

Five-year state inspection, per unit: \$50.

(b)

Smoke detectors.

[1] The fee for any smoke detector inspection and issuance of a certificate will be indexed to the scheduled inspection date as it relates to the anticipated contract closing date as follows:

Type	Scheduled Inspection Date	
	More Than 5 Days Before Closing	5 or Fewer Days Before Closing
Initial inspection	\$75	\$125
First reinspection	\$30	\$40
Second and subsequent reinspections	\$40	\$40

[2]

This fee will also be charged for failure to maintain the scheduled appointment or entry to the structure. The Fire Prevention Bureau will make every attempt to schedule the inspections in a timely manner in order to avoid any escalation of these fees.

H.

Enforcement; violations and penalties. Enforcement, violations and penalties shall be assessed, levied and collected as set forth in the Uniform Fire Safety Act (N.J.S.A. 52:27D-207 et seq.), the Uniform Fire Code (N.J.A.C. 5:70-2.10 et seq.) and all other applicable laws of the State of New Jersey.

I. (New Section)

This fee schedule outlines the reimbursement of cost for stand-by fire protection services as deemed necessary by the Fire Official which applies to an event/situation, not conducted by a government agency or municipality sponsored non-profit organization, that has the potential to cause a danger to public safety and wellbeing.

Resource fees:

Fire Engine* \$85.00/ hour
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Brush/ Utility Truck*	\$50.00/ hour
Command/ Support Vehicle*	\$16.00/ hour
Fire Suppression Personnel*	\$25.00/ hour
Fire Inspector (Vehicle Included)**	\$45.00/ hour

*To be paid directly to Fire District in which assignment is taking place

**To be paid directly to Wall Township Bureau of Fire Prevention

§ 113-4. Limits of districts for storage of flammable liquids and explosives.

A.

Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.

(1)

Storage of flammable liquids in outside aboveground storage tanks shall be prohibited in all zones except industrial zones, and such storage must comply with the Local Fire Prevention Code, the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act.

(2)

New bulk, processing or industrial plants, refineries or other plants and distilleries and all buildings, tanks and equipment used for storage, processing, distillation, refining or blending of flammable or combustible liquids shall be prohibited in all zones except industrial zones and must comply with the Local Fire Prevention Code, the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act.

B.

Establishment of limits of in which bulk storage of liquefied petroleum gases is to be restricted. The bulk storage of liquefied petroleum gas shall be prohibited in all zones except the industrial zones, and such storage must comply with the Local Fire Prevention Code, the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act.

C.

Establishment of limits in which storage of explosives and blasting agents is to be prohibited. Storage of explosives and blasting agents is prohibited in all zones except industrial zones, and such storage must comply with the Local Fire Prevention Code, the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act.

§ 113-5. Supplementation of Fire Code.

The Local Fire Prevention Code is supplemented as follows: Chapter **59**, Alarms, Article **II**, Key Boxes of the Code of the Township of Wall.

§ 113-6. Designation of fire zones.

Fire zones shall be established and enforced in accordance with the Local Fire Prevention Code, the Uniform Fire Code and the New Jersey State Uniform Fire Safety Act.

§ 113-7. Effect on land use authority.

This chapter shall not be deemed to effect or interfere in any manner with the authority conferred by Chapter **140**, Land Use and Development Regulations, of the Code of the Township of Wall upon the Wall Township Planning Board or the Wall Township Zoning Board of Adjustment to review and approve applications for site plan review.

§ 113-8. Open burning.

[Added 6-11-2003 by Ord. No. 15-2003]

No person shall kindle or maintain any fire or authorize any fire without first securing the appropriate written permit in accordance with the provisions of the Uniform Fire Code and/or the State Bureau of Forest Fire Management.

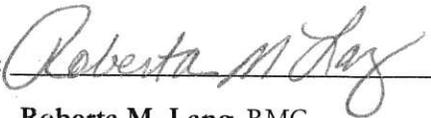
SECTION 2 All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3. Should any section, paragraph clause or any portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION 4. This Ordinance shall take effect upon its passage and publication according to law.

Introduced on: **October 28, 2015**

Adopted: **November 24, 2015**

Attest: 

Roberta M. Lang, RMC
Township Clerk

Approve: 

George K. Newberry
Mayor