

**TOWNSHIP OF ROCHELLE PARK
ORDINANCE NO. 1101-16**

**AN ORDINANCE TO AMEND CHAPTER 102 OF THE CODE
OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “FIRE PREVENTION”**

WHEREAS, the Township of Rochelle Park is the enforcing agency for the Uniform Fire Safety Act; and

WHEREAS, the fire official has recently reviewed the provisions of the Township Code related to fire prevention and, specifically, the terms, provisions and obligations of Chapter 102 of the Township Code; and

WHEREAS, the Township Attorney and the Fire Official have recommended that the Township Code be revised and updated in order to reflect current state regulations as well as to properly reflect the practices and procedures of the fire prevention department; and

WHEREAS, recommendations have been made to the Township Committee for these modifications and the Township Committee has agreed with the recommendations for various modifications of Chapter 102.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

SECTION ONE: Section 102 of the Code of the Township of Rochelle Park Entitled “**FIRE PREVENTION**” is hereby amended as follows:

SECTION 102-1 Legislative Determinations

- a. The Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey.
- b. The Uniform Fire Safety Act authorized municipalities to provide for local enforcement and to establish Local Enforcement Agencies (LEAs) to accomplish that purpose.
- c. The Township Committee hereby determines it is in the best interest of the Township to have the Uniform Fire Safety Act enforced locally.

102-2 Agency Designation

The local enforcing agency shall be the Bureau of Fire Code Enforcement

102-3 Duties

The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures, premises and places within the established boundaries of Rochelle Park, 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.

102-4 Life-hazard uses

The local enforcing agency established by 102-2 of this chapter shall carry out the periodic inspection of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

102-5 Organization.

The Bureau of Fire Code Enforcement established pursuant to Section 102-2 shall be a part of the Rochelle Park Fire Department and be under the direct supervision and control of the Bureau Chief who shall report to Township Administrator.

102-6 Appointments; terms of office; removal; identification

a. Appointment of the Bureau Chief. The Bureau Chief shall be appointed by the Township Committee of Township of Rochelle Park. The Bureau Chief shall be certified by the State of New Jersey as a Fire Official.

b. Inspectors and employees. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Township Committee of Rochelle Park, from a recommendation provided in writing by the Fire Official to the Bureau Chief and Township Committee. A Supervisor shall also be certified by the State of New Jersey.

c. Terms of office. The terms of office for the Bureau Chief and inspectors shall be for a period of three (3) years effective January 1 to December 31 annually. Any vacancy of the Bureau Chief shall be filled for the unexpired term.

Terms of office for supervisors and inspectors shall be for a period of one year effective January 1 to December 31 annually.

d. Removal from office. The inspectors and other employees of the enforcing agency shall be subject to removal by the Bureau Chief for inefficiency or misconduct. The inspector or employee to be removed shall be afforded an opportunity to be heard by the appointing authority or by a designated hearing officer. The Bureau Chief may be removed, with or without cause, by the Township Committee.

e. Identification. All inspectors will be provided with proper identification which he or she will be required to wear on all assigned inspections within the Township of Rochelle Park. Property identification shall consist of a department issued badge and Township issued photo ID.

102.7 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 shall have the right to appeal to the Construction Board of Appeals of Bergen County.

102.8 Permits.

The application fee for a permit shall be as follows; the permit types shall be known as defined in the Uniform Fire Code

Type	Fee
Type 1	\$ 70.00
Type 2	\$175.00
Type 3	\$350.00
Type 4	\$497.00

102.9 Additional required inspections and fees.

a. Inspection 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 annual inspections and fees shall be required. To provide a fire inspection service for all places described herein located within the Township of Rochelle Park, not classified as life hazard use the following inspection fees are required (all calculations of gross area shall be rounded to the nearest square foot).

RP-1 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use up to 1,499 square feet in gross area.	\$70
RP-2 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use up to 3,499 square feet in gross area.	\$100
RP-3 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use up to 6,999 square feet in gross area.	\$120
RP-4 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use up to 9,999 square feet in gross area.	\$140
RP-5 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use up to 11,999 square feet in gross area.	

feet in gross area.	\$160
RP-6 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use up to 14,999 square feet in gross area.	\$180
RP-7 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use up to 17.999 square feet in gross area.	\$200
RP-8 Any person, firm, corporation, building owner, business owner, occupant, tenant, vendor or any other business use 18,000 square feet and above in gross area.	\$300

b. Non Owner occupied residential homes, apartment buildings and condo complex structures

RP-9 up to two units	\$70 per year
RP-10 three to five units	\$100 per year
RP-11 six to ten units	\$120 per year
RP-12 eleven to twenty units	\$175 per year
RP-13 any non-owner occupied home and garden apartment comprised of 21 to 39 units	\$200 per year
RP-14 forty or more units	\$300 per year

c. Certificate of Smoke Detector, Carbon Monoxide Alarm and Fire Extinguisher Compliance Certification

Before any residential structure, unit, apartment, condo or townhouse is sold, leased or otherwise made subject to a change of occupancy for residential purpose, the owner shall obtain certificate of compliance from the Bureau of Fire Code Enforcement. An application shall be completed and the property fee paid prior to the scheduling of an inspection. Failure to obtain a Smoke Detector, Carbon Monoxide alarm and fire extinguisher compliance certification will be punishable by a penalty of not less than \$200.00 and not more than \$1,000.00. Additionally, occupants found to be residing in a residential dwelling without a certificate of compliance may be forced to vacate such dwelling until such time a certificate is issued

Editor's note: see N.J.S.A. 52:27D-198.2

1. Garden Apartments

Applications received prior to five calendar days before change of occupancy	\$ 50.00
Applications received with four days or less notice	\$125.00

2. All other residential occupancies

Applications received prior to five calendar days before change of occupancy \$ 75.00

Applications received with four days or less notice \$125.00

d. All municipal, Board of Education, religious buildings, structures and premises shall be exempt from inspection fees. This does not exempt the above-named from filing any required inspection forms or exempt any of the above-named from fire safety inspections and the obligation to comply with by law all fire code violations by this Bureau.

e. Cyclical Inspection Fees (Once every 5 years or as required by Fire Code or housing code)

Inspections performed on a cyclical basis shall follow the fee schedule provided below.

RP-9 up to two units	\$140.00
RP-10 three to five units	\$200.00
RP-11 six to ten units	\$240.00
RP-12 eleven to twenty units	\$350.00
RP-13 twenty One to thirty nine units	\$400.00
RP-14 forty or more units	\$600.00

102.10 Enforcement of fire lanes.

*Section F-311.0 shall be enforced by the Bureau of Fire Code Enforcement and the Police Department of the Township of Rochelle Park and the complaints for the violation may be filed by any inspector of the Fire Prevention Bureau or the Police Department or the owner or occupant of the premises by which the fire land in question is located or any other person.

*Section F-311.0 refers to the BOCA Basic/National Fire Prevention Code/1984.

102.11 Violations and penalties.

Penalties of *Section F-322-0, Fire Lanes, shall not be less than a fine of \$110 plus court costs for a first offense and \$110 for each and every subsequent violation. Any person, firm or corporation failing to respond to a locally required registration form shall, for each offense, upon conviction thereof, pay a fine not less than \$200 and not more than \$1,000 or be imprisoned for a term not exceeding 90 days, or both, in the discretion of the Judge before whom such conviction shall be obtained.

*Section F-311.0 refers to the BOCA Basic National Fire Prevention Code/1984

102.12 Fire watches.

a. Systems out of service. Where a required fire protection system is out of service, the Fire Department and the Fire Code Official shall be notified immediately and, there the Fire Code Office and Chief of the Fire Department determine that an imminent hazard exists, the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut-down until the fire protection system has been returned to service. In addition, agreement to provide a fire watch may be entered into between a representative of the property owner and the fire chief or fire code official in those circumstances where such fire watch is desired.

b. Fire services. Members of the Fire Department may be available for service as fire watch personnel only at such time as will not interfere with the efficient performance of emergency duty for the Township, with the approval of the Fire Chief and Fire Official. The application for such services shall be made known to the Fire Chief and the Chief Financial Officer either in writing or verbally. The application for fire watch by the reasonable building representative as required but the Fire Official shall set forth pertinent information concerning the location of the fire watch, the number of service personnel and estimate duration of such services. The application for such services probability that such outside employment will interfere with a members performance or compromise a member's position with the Township through a conflict of interest of if there is any reasonable probability that the particular service requested would reflect unfavorably upon the fire fighter or the Fire Department.

c. Payment

1. Upon receipt of an application for such services and approval of same by the Fire Chief, Chief Financial Officer and Fire Official, the building representative shall execute an agreement to perform fire watch coverage in the form provided by the Fire Official, which shall provide, inter alia, for the building representative to pay to the Treasurer of the Township a certain amount in cash, check or money order as is set forth herein or as may be fixed from time to time by resolution of the Township Committee as compensation for such services.

2. The rate of compensation to the Township shall be determined based upon the fixed amount of pay with an additional 20% surcharges of the total amount billed to cover administration, insurance, equipment and other related costs: (\$35 +20% - \$42 per hour payment for such services per fire fighter). The total amount of the cost to perform fire watch duty shall be paid to the Township within 15 days after such duty has been performed.

d. Collection of Fees

1. The Bureau Chief or his designee shall be responsible for the collection of the aforesaid fees and shall maintain an accurate accounting thereof and shall turn these funds over to the Township Treasurer as prescribed by state requirements.

2. The Township Treasurer then shall present a monthly accounting report to the Township Committee.

102-13 Fire reports (per copy)

Copy(s) of fire investigation reports	\$25.00
Photos provided on CD	\$25.00
Copy(s) of NFIRS reports (National Fire Incident Report)	\$10.00
All other document(s) (per copy)	\$ 1.50

102-14 Lock Box System

In all structures served by an internal automatic fire detection or suppression system, where access to the structure or within the structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or for firefighting purposes, the Bureau Chief may require a key box to be installed in an accessible location to the fire department. The key box shall be a type approved by the Bureau Chief, so that all key access to this type within the township of Rochelle Park may be accomplished with one system. The key box shall contain keys to gain necessary access as required by the Fire Department.

Installation:

Installation of the key box shall be in accordance with specifications maintained and approved by the Bureau Chief as required. The Bureau Chief shall have the authority to implement a uniform system throughout the Township, so that access to the designated key boxes may be accomplished by the utilization of one uniform key system.

SECTION TWO. Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION THREE: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION FOUR: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ELIZABETH KROLL
Municipal Clerk