

**BOROUGH OF OLD TAPPAN
ORDINANCE NO. 696-99**

**AN ORDINANCE AMENDING CHAPTER VIII
“FIRE PREVENTION” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF OLD TAPPAN**

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan, County of Bergen, and State of New Jersey, as follows:

Section 1. Chapter VIII “Fire Prevention” of the Revised General Ordinances of the Borough of Old Tappan, is hereby amended to read as follows:

CHAPTER VIII

FIRE PREVENTION

8-1 Fire Prevention Code.

8-1.1 *Adoption/Local Enforcement.* The New Jersey Uniform Fire Code, consisting of the BOCA Basic/National Fire Prevention Code 1996, including all subsequent revisions and amendments thereto, as modified by N.J.A.C. 5:70-3.2, shall be locally enforced in the Borough of Old Tappan.

8-1.2 *Public Record.* Copies of the aforementioned Code shall be filed in the office of the Borough Clerk.

8-1.3 *Definitions.* For the purpose of this chapter, the following words shall have the definitions as set forth hereinafter.

Local enforcing agency. The Bureau of Fire Prevention established pursuant to the subsection 8-2.1 hereinafter.

Fire Official. Person certified by the Commissioner of the Department of Community Affairs and appointed or designated to direct the enforcement of the Code by the appointing authority. This term shall also include “Fire Marshal” where the Fire Official has

been appointed pursuant to N.J.A.C. 5:71-3.2.

Fire Inspector. Person working under the direction of the Fire Official who is certified by the Commissioner of the Department of Community Affairs and appointed or designated to enforce the Code by the appointing authority of a local enforcing agency.

8-2 Bureau of Fire Prevention.

8-2.1 *Establishment.* There is hereby established a bureau of fire prevention in the Borough of Old Tappan which shall be operated under the supervision of the Fire Official. The New Jersey Uniform Fire Code shall be enforced by the Bureau of Fire Prevention as herein provided.

8-2.2 *Fire Official.* The Fire Official shall be in charge of the Bureau and shall be appointed by the Mayor and Council.

8-2.3 *Duties.* The Bureau is hereby designated as the local enforcing agency of the code and shall enforce the code in all buildings. Buildings, structures and premises within the established boundaries of the borough, other than owner-occupied one and two family dwellings, including the periodic inspections of life hazard uses on behalf of the commissioner of community affairs. The Bureau shall also collect all fees for registration of the life hazard and non-life hazard uses and permits as set forth in the code and section 8-5.

8-2.4 Appointments, Term of Office, Removal.

a. *Fire Official.* The person in direct charge of the and supervision of the Bureau shall be appointed in accordance with the provisions of subsection 8-2.2. The Fire Official shall meet the following qualifications in order to be appointed:

1. He or she shall hold a valid certification as a New Jersey Fire Official.
2. He or she shall have at least three (3) years experience as a certified Fire

Inspector.

b. *Inspectors and Employees.* Such inspectors and other employees as may be necessary to carry out the duties and responsibilities of the Bureau and shall be appointed by the Mayor and Council upon the recommendation of the Fire Official. Any inspector employed by the Bureau of Fire Prevention shall be certified pursuant to the New Jersey Uniform Fire Code.

c. *Term of Office.* The Fire Official and all employees of the Bureau shall be appointed for a term of two (2) years commencing on January 1st of the year of appointment.

d. *Removal from Office.*

1. No paid inspector or other paid employee shall be removed from office or employment for political reasons, or for any other cause than incapacity, misconduct, suspension and or revocation of certification as a Fire Official, or disobedience of the rules and regulations established for the government of the Bureau of Fire Prevention.

Except as otherwise provided by law, no paid inspector or employee shall be suspended, removed, fined or reduced in rank from or in office, employment or position therein except for just causes hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such a paid inspector or employee. The complaint shall be filed in the office of the Fire Official and a copy shall be served upon the paid inspector or employee charged, with notice of a designated hearing thereon by the mayor and council, which shall be not less than 15 nor more than 30 days from the date of service of the complaint. A failure to comply with these provisions as to the service

of the complaint shall require a dismissal of the complaint.

It is the intent of this section to give every person against whom charges for any cause may be preferred under this section, a fair trial upon the charges and every reasonable opportunity to make his defense if he has or chooses to make any and that in the event of failure of compliance with any provisions of this section, such charges shall be dismissed.

2. The Council shall have the power of subpoena under the seal of the borough and attested by the borough clerk to compel the attendance of witnesses and give testimony or produce evidence, and every person who neglects to obey such subpoena or to give testimony or to answer questions as required shall be subject to the penalties as provided by law.

3. Notwithstanding any other law to the contrary, whenever any paid inspector or employee is charged under the law of this state, another state or the United States, with an offense, said paid inspector or employee may be suspended from performing his duties, with pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated; provided, that if a grand jury returns an indictment against the paid inspector or employee or the paid inspector or employee is charged with an offense which is a crime of the fourth degree or higher, or which involves moral turpitude or dishonesty, he may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated. If a suspended inspector or employee is found not guilty at trial, the charges are dismissed or the prosecution is terminated, the inspector or employee shall be reinstated to his position and shall be entitled to recover all pay withheld during the period

of suspension subject to any disciplinary proceedings or administrative actions.

4. Any person desiring to make a complaint against any paid inspector or employee of the Bureau shall make the complaint in writing to the Fire Official. It shall be the duty of the Fire Official to forthwith deliver the original charges to the Borough Clerk who in turn shall refer such charges to the Mayor and Council for its attention and action. Upon receipt of any charges against a paid inspector or employee of the Bureau, the Mayor and Council shall take whatever action is deemed necessary.

5. In the event that a person wishes to make a charge against the Fire Official, the charges shall be filed with the Borough Clerk, who shall in turn transmit same forthwith to the Mayor and Council for its attention and action in accordance with the provisions of this subsection.

8-3 Reports; Recommendations.

A report of the Bureau shall be made annually and transmitted to the Mayor and Council. It shall contain all proceedings under the code, with such statistics as the Fire Official may wish to include.

8-4 Board of Appeals.

Pursuant to NJSA 52:27D-124 and NJSA 52:57D-198, any person aggrieved by any ruling, action, or notice of the Bureau of Fire Prevention shall have the right to appeal same to the Construction Board of Appeals of the Borough of Old Tappan. Such an appeal shall be prosecuted in the manner provided by NJAC 5:70-2.19 et sec.

8-5 Additional required inspections and fees.

a. In addition to the fees and inspections of life hazard uses pursuant to the New Jersey Uniform Fire Code, the additional inspections and fees relative to the non-life hazards as set forth hereinabove shall be required annually. Fees shall be billed out in January and due no later than sixty (60) days from the issuance of the bill, with a late charge of one half of the original fee.

b. Any and all business and commercial retail or other premises to which the public is invited for which provision is not made for a permit under the code. The fees shall be charged for inspections conducted pursuant to this section shall be:

Class A: up to 3000 square feet	\$ 35.00
Class B: 3001 to 5000 square Feet	50.00
Class C: 5001 to 10000 square feet	100.00
Class D: More than 10000 square Feet.....	125.00
Class E: Multi-family units, per dwelling unit.....	10.00
Minimum Charge	35.00

c. The application fee for a certificate of smoke detector compliance as required by NJAC 5:70-2.3 shall be \$50.00.

8-6 Fire Lanes Established on Property Open to Public.

8-6.1 *Purpose.* The purpose of this section is to establish a procedure to define fire lanes and to establish and provide adequate and safe ingress and egress for emergency vehicles and provide certain penalties for the unlawful parking therein.

8-6.2 Fire Lanes and Fire Zones.

a. *Required.* The Fire Official may require and designate public or private fire lanes and Fire Zones as deemed necessary for the efficient and effective operation of fire apparatus.

b. *Width.* Fire Lanes shall have a minimum width of 18 feet. Fire Zone size

shall be determined by the Fire Official.

8-6.3 *Designation of Fire Lanes and Fire Zones.*

a. *Markings.* The Fire Lanes and Zones established by subsection 8-6.2 shall be striped and lettered in yellow either “NO PARKING FIRE LANE” or “NO PARKING FIRE ZONE” on the paved surface. The size of the fire lane or zone and the details of the lines and lettering shall be determined by the Police Chief and the Fire Official of the borough.

b. *Posting.* The Fire Lanes or Fire Zones shall be appropriately posted with metal signs indicating “NO PARKING FIRE LANE” or “NO PARKING FIRE ZONE.” The signs shall further indicate the size and dimensions of the Fire Lanes or Zones wherever deemed necessary by the Police Chief and the Fire Official. The signs shall be of such design, quality and lettering as required by New Jersey Statutes governing same. The Police Chief and Fire Official of the borough shall determine the number and placement of signs and shall approve the design, quality and lettering.

c. *Cost.* The owner of the property shall, at his/her expense, cause the proper creation of the fire lanes or zones included the striping, lettering and installation of signs.

8-6.4 *Parking.*

a. *Parking Prohibited.* No Person shall at any time park a motor vehicle or in any other manner obstruct and driveway or area designated as a fire lane or zone pursuant to this section.

b. *Penalties.* Unless another penalty is expressly provided for by New Jersey Statutes, any person convicted of a violation of subsection 8-6.4, shall be subject to a fine of not more than

\$50.00. In addition, the police department shall have the authority to cause any vehicle found in violation of subsection 8-6.4 to be towed and stored at the expense of the owner of the vehicle.

8-6.5 *Enforcement.* The Police Department, concurrently with the Fire Prevention Bureau, shall have jurisdiction for enforcing this section.

8-7 Fire Department Connection Lights.

Any existing red light which gives notice of a fire department sprinkler connection shall be illuminated at all times.

8-8 Notification of Fire Department.

It shall be a violation of this article for any person, firm, corporation, owner, tenant or person responsible for a given structure or premises to fail to immediately notify the fire department and immediately evacuate the entire structure when and if the following conditions are present:

- c. The fire alarm is activated.
- d. There is smoke in the structure.
- e. An explosion has occurred.
- f. There is a fire in the structure.
- g. Any fire protection system (sprinklers, etc.) is activated.
- h. Whenever a hazardous or flammable material is spilled, leaked or exposed and has the potential to endanger the occupants on the premises.
- i. Upon the order of the Chief of the Fire Department or the Incident Commander of the scene.

8-9 Blocking and Use of Fire Hydrants.

8-9.1 *Unlawful to Block.* It shall be unlawful to block, obstruct, obscure, or damage any

hydrant, Fire Department Connection, or hydrant locator wands that are located on public or private streets and access lanes or on private property. A four-foot radius from any hydrant or Fire Department Connection must be kept clear of any objects. Objects are defined as, but not limited to:

- a. Mailboxes
- b. Vehicles
- c. Brush or large plants
- d. Fences or walls
- e. Garbage
- f. Leaf piles or other debris

8-9.2 *Use of Fire Hydrants.* A person shall not use or operate any fire hydrant intended for use of the Fire Department unless such person secures written permission from United Water, the Fire Official, or the Fire Chief. This section shall not apply to the use of such hydrants by a person employed by United Water, The Borough of Old Tappan, The County of Bergen, or The State of New Jersey.

8-9.3 *Penalty.* Unless another penalty is expressly provided for by New Jersey Statutes, any person convicted of a violation of subsection 8-9 shall be subject to a fine of not less than \$100.00. Each day that the owner, tenant or occupant fails to satisfy the obligation of this section shall constitute a separate violation.

8-10 Penalties.

Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who

shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment for not more than 90 days, or both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.