

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **20-059**

1ST READING	<u>December 1, 2020</u>	DATE TO MAYOR	_____
2ND READING & PUBLIC HEARING	<u>Dec 1, 2020</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 228, FIRE PREVENTION

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Chapter 228, Fire Prevention*, as amended and supplemented, be further amended and supplemented as follows:

Chapter 228

FIRE PREVENTION

Article I. Adoption of Standards; Fire Protection

§ 228-1. Adoption of standards; copies on file.

- A. The Uniform Fire Safety Act (P.L. 1983, c. 383) and the Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) promulgated pursuant to the Act is hereby acknowledged as the Fire Prevention Code of the Township of Hamilton, subject to any supplements or modifications as may be permitted by law and which may be adopted by the Township of Hamilton.
- B. The Uniform Fire Code (N.J.A.C. 5:70-1 et seq.), as amended, deleted and supplemented, is hereby incorporated in this section and made a part hereof.
- C. The required Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) has been placed on file in the office of the Township Clerk and in the offices of the [Board of] Fire [Commissioners] Chief and Fire Prevention Bureau and shall remain on file in each of the offices for the use and examination of the public so long as this section shall remain in effect.

§ 228-2. Definitions.

Whenever used in this chapter or in the codes adopted in this chapter, the following terms shall have the meanings indicated in this section:

CHIEF OF FIRE PREVENTION BUREAU

The Fire Marshal/Fire Official designated by the [Board of Fire Commissioners of the respective fire district] Mayor and Township Council, who shall perform all functions assigned in the code to the chief of the fire prevention bureau, except those assigned to the fire subcode official by state law or regulation or by other Township ordinance.

CODE or FIRE PREVENTION CODE OF THE TOWNSHIP OF HAMILTON

The Uniform Fire Code promulgated pursuant to the Uniform Fire Safety Act (P.L. 1983, c. 383) and any permitted amendments thereto.

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CORPORATION COUNSEL

The Township Attorney.

MUNICIPALITY

The Township.

§ 228-3. Fire lanes.

A. Designation of fire lanes in shopping centers.

- (1) For purposes of this section, a shopping center is defined as set forth in § 550-7, as interpreted and determined by the Fire Marshal of the Township.
- (2) Authority is hereby vested in the Fire Marshal of the Township, in conjunction with the Police Division of the Township, to establish and designate fire emergency access zones in shopping centers, and to designate, determine and provide for a lane of up to 35 feet in width running entirely across the frontages or faces of the buildings of such shopping centers utilized for public ingress and egress.
- (3) The Fire Marshal may, in addition, after consulting with the [various Chiefs] Fire Chief [and Boards of Fire Commissioners of the various fire districts], designate other fire lane areas and areas designated solely for the purpose of providing ingress and egress for fire, police and other emergency apparatus.
- (4) The fire emergency access lanes so designated shall be in those locations and of sufficient design as may be reasonable and required by the public safety and welfare, and the purpose of these lanes shall be a guaranteed unimpaired ingress and egress to the shopping center buildings as well as the public parking areas in and around such shopping center buildings for fire, police and other emergency vehicles. The lanes shall be installed by the property owner utilizing regulation signs and paint on the pavement areas, which signs and paint shall be installed and maintained by the property owner under the direction and supervision of the Police Division and in accordance with the specifications of the Traffic Bureau of the Township Police Division in conjunction with the recommendations of the Fire Chief[s] [of the respective fire districts].
- (5) No person or any agent or employee shall park, leave standing or cause to be parked any vehicle in any of the lanes mentioned in this section, or cause any other obstruction in the areas so designated as fire lanes.
- (6) The Police Division of the Township shall have concurrent jurisdiction with the Fire Marshal of the Township in enforcing this section.
- (7) Any person found guilty of a violation of this section shall be liable to the penalties contained in N.J.S.A. 39:4-203 and court costs involved.
- (8) If any person seeks a variance from this section, the Fire Marshal shall chair a meeting with the representatives of such person and the Fire [Commissioners and] Chief [of the district involved] or the Fire Chief's designee who shall make the final decision upon such request. [The Fire Commissioners and Chief shall then make a decision upon such request.]

- B. Traffic on fire lanes.** There shall not be allowed any vehicular traffic of any kind save for emergency vehicles on any properly dedicated and designated fire lane throughout the Township, whether the lanes are so designated by order of an official public agency or by the owner of the private property.

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§ 228-4. Removal of spills of hazardous or flammable substances.

- A. Whenever [a] the Fire Chief [of any fire district within the Township] shall determine that a fire safety hazard exists as a result of a spill of a flammable or hazardous substance and shall have given the owner or possessor of the premises on which the spill occurred a reasonable time in which to remove the spill and [he] the owner or possessor of premises shall not have complied; the Fire Chief shall inform the Director of Public Works.
- B. The Director of Public Works shall immediately cause the spill to be removed.
- C. After the work has been completed, the Director of Public Works shall certify the cost of such removal to the Director of Finance. The amount so certified shall become a lien upon such lands and shall be added to and become a part of the taxes next assessed and levied upon such lands, and such amount shall bear interest at the same rate as taxes.

Article II. Enforcement of Uniform Fire Code

§ 228-5. Local enforcement generally.

Pursuant to Section 11 of the Uniform Fire Safety Act, the State Uniform Fire Code shall be enforced locally within [the established limits of Fire District Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9] the Township of Hamilton.

§ 228-6. Designation of enforcing [agencies] agency.

The [local] enforcing agency for the State Uniform Fire Code shall be the [Board of Fire Commissioners of Fire District No. 7, each within the limits established by ordinance] Fire Prevention Bureau within the Hamilton Township Fire Division. [The local enforcing agency for Fire District Nos. 1, 2, 3, 4, 5, 6, 8 and 9 shall be the Board of Fire Commissioners of Fire District No. 7.]

§ 228-7. Duties of enforcing agencies.

The [local] enforcement [agencies] agency established by § 228-6 shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the [respective local] enforcement [agencies] agency, 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.

§ 228-8. Inspection of life hazard uses.

[Each local] The enforcing agency established by § 228-6 shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

§ 228-8.1. Inspection of non-life-hazard uses.

- A. In addition to the registration required by the Uniform Fire Code, the non-life-hazard uses shall register with the local enforcing agency. These uses shall be inspected on an annual (eighteen-month) schedule established by the [local] enforcing agency and shall pay an annual registration fee as set forth in § 228-12 and Chapter 215, Fees, of the Township Code. No use required to register with the State of New Jersey as a life hazard use shall be required to register pursuant to this section.

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- B. The tenant/user/occupant of a tenant space will be responsible to register and pay the fee for the space that a tenant/occupant of the space actually occupies. All fees are based on the user group assigned and the gross square footage of the area being registered.
- C. In buildings that have common and/or public areas, the owner of the building is responsible to register and pay the fee for those common and/or public areas.
- D. All registrations will be for a period of one year. Fees are not refundable or transferable.

§ 228-9. Organization and funding of enforcing agencies.

[Each local] The enforcing agency established by § 228-6 shall be a part of the [fire district] Division of Fire and shall be under the supervision of the [Board of Fire Commissioners] Fire Chief [or such other officer as it may designate]. Such funds as may be necessary to support the operations of the agency shall be raised by the [district] Township in the manner provided by law.

§ 228-10 Fire Official; inspectors and other employees.

- A. Fire Official.
 - (1) Appointment. [Each] The [local] enforcing agency shall be under the direct supervision of a Fire Official, who shall be appointed by [each Board of Fire Commissioners for each district] the Township in compliance with regulations set forth by the New Jersey Title 11A, Civil Service Act.
 - (2) Removal from office. Fire Officials of the enforcing agency shall be subject to removal [by the respective Board of Fire Commissioners] for inefficiency or misconduct. [Each] The Fire Official shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.
- B. Inspectors and employees.
 - (1) Appointment. [Each fire district] The Township shall appoint such inspectors as may be necessary to carry out all required inspection activity in the [fire district] Township. Such inspectors shall be under the supervision and control of the Fire Official.
 - (2) Removal from office. Inspectors and other employees of the enforcing agency shall be subject to removal by the [respective Board of Fire Commissioners] Township for inefficiency or misconduct. Each inspector or employee shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.
- C. Any fire official or inspector employed by the local enforcing agency shall be required to obtain the required certifications to enforce the Uniform Fire Code from the New Jersey Department of Community Affairs.

§ 228-11. 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 Mercer County Construction Board of Appeals.

§ 228-12. Fees.

- A. The permit fees established by the Uniform Fire Code shall be amended to be as set forth in Chapter 215, Fees, of the Township Code.

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- B. Certificate of fire code status as per N.J.A.C. 5:70-2.2(e)1 of the Uniform Fire Code. Any request for a certificate of fire code status shall be set forth in Chapter 215, Fees, of the Township Code.
- C. Copies of fire reports shall be a maximum fee as set forth in Chapter 215, Fees, of the Township Code.
- D. Returned checks. In the event the Division of Fire [a fire district] receives a returned check from a bank for insufficient funds, a fee as set forth in Chapter 215, Fees, of the Township Code will be assessed.
- E. Fire watch coverage.
 - (1) When requested or required by the Division of Fire [Department] to provide fire watch coverage by Division of Fire [Department] personnel due to an emergency condition or requirement of a permit function, the cost of such service shall be set forth in Chapter 215, Fees, of the Township Code, per hour/per man, paid directly from the building owner or responsible party to the [fire district] Division of Fire.
 - (2) Failure of a property owner or designated property representative to establish or properly document a fire watch when requested by the Division of Fire [Department] will result in an assessed penalty not to exceed \$250 per day for every day the condition exists.
- F. Non-life-hazard use registration fee as set forth in Chapter 215, Fees, of the Township Code.

Article III. Key Lock Boxes

§ 228-13. Where required.

In all buildings regardless of use or occupancy, which are protected by an automatic alarm system and/or a fire sprinkler system, the owners and/or management agents shall install a key box, of a type and in a location approved by the proper official of the [local fire district] Division of Fire. The following are exempt from this requirement:

- A. All properties protected by an on-site, 24 hours per day/seven days per week guard service;
- B. All properties having employees on duty and/or on site 24 hours per day/seven days per week;
- C. Multiple-family dwellings containing six or fewer individual occupancies; and
- D. Single-family homes.

§ 228-14. Requirements for voluntary installation.

For all buildings where installation is not required under the provisions of § 228-13, such installation shall be permissible but not required. If the owner or management agent of a property which is not required to install a key box elects to do so, said owner or management agent shall be obligated to meet all criteria specified for buildings where key box installation is required.

§ 228-15. Requirements for key box installation.

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Upon examination of the physical condition and characteristics of any property subject to this article, and upon written notice to the owner and/or principal occupant thereof, the proper official of the [local fire district] Division of Fire may require a key box to be installed in a specific location whenever access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes.

§ 228-16. Requirements for premises with hazardous materials.

Cabinet-style vaults shall be required when deemed necessary by the proper official of the [local fire district] Division of Fire at premises containing hazardous materials and MSDS data sheets, site plans and floor plans.

§ 228-17. Emergency override controls for mechanical parking gates.

Owners and operators of controlled vehicle parking areas which use mechanical parking gates to control motor vehicle ingress and egress shall install and maintain an emergency override control on each gate. Said emergency override control devices shall contain a master key-operated type switch approved by the proper official of the [local fire district] Division of Fire.

§ 228-18. Requirements for keys.

Key boxes shall include two separate sets of keys. Each set shall contain the following individually labeled keys:

- A. Keys to the locked point of egress whether on the interior or exterior of such buildings;
- B. Keys to locked mechanical rooms;
- C. Keys to locked electrical rooms;
- D. Keys to fire alarm panels;
- E. Keys to elevator controls, if elevators are present and equipped with a fire department bypass switch;
- F. Keys to other areas in the building as directed by the proper official of the [local fire district] Division of Fire.

§ 228-19. Required contents of key box.

In addition, the key box shall contain the following:

- A. A current list of personnel and telephone numbers for call back purposes in the event of an emergency;
- B. All right to know records and MSDS pertinent to the subject premises;
- C. In the alternative, a written direction card shall be located in the key box, indicating the location of those records for facilities having more MSDS sheets than the key box is capable of holding.

§ 228-20. Specifications for key boxes.

The lock or key box to be installed in the structure shall meet the following specifications:

- A. UL 437—Standard for safety keylock;

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- B. UL 1610—Standard for central station alarm units for use with UL listed alarm systems;
- C. UL 1037—Standard for anti-theft alarms and devices.

§ 228-21. Adoption of procedures to protect master keys systems.

[Each local fire district] The Division of Fire shall adopt procedures for protecting the integrity and security of the master keys system which allow access to key boxes within the [local district] Township. Procedures shall include, but not be limited to, a definition of authorized uses and users of the system; specific means of access to the system; protection against unauthorized or uncontrolled use of master keys or master key systems; secure storage systems for master keys; a system for release and control of master keys from a central dispatch location; the recording of individuals having access to the master key, including date, time and location of access; and protections and safeguards against unauthorized duplication of master keys or access systems.

§ 228-22. Change of locks; fine for failure to notify [fire district] the Division of Fire.

In the event that locks on the subject building are changed after the installation of the key box, the proper official of the [local fire district] Division of Fire shall be notified of such change in writing, and a key(s) to the new lock(s) shall be provided immediately. Failure to provide this written notification and new key(s) may result in the imposition of a fine of not less than \$250.

§ 228-23. Applicability to new construction and renovations.

The requirements of this article shall apply to all new construction in the Township and all buildings undergoing renovations in the Township, where the total cost of the renovations exceeds \$10,000.

§ 228-24. Time limit for compliance.

All existing buildings as described in § 228-13 shall be required to comply with the installation of the key box system within two years of the effective date of this article.

§ 228-25. Violations and penalties.

Any building owner who knowingly and intentionally violates this article, after receiving written notice from the proper official of the [local fire district] Division of Fire, may be subject to a fine of not less than \$250 per violation.

§ 228-26. Enforcement.

Enforcement of this article shall be performed by the [local] Fire Marshal or Fire Chief pursuant to the provisions of N.J.A.C. 5:70-1.2 et seq.

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Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓				✓		ANTHONY P. CARABELLI, JR.						
NANCY PHILLIPS	✓						NANCY PHILLIPS						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						
PASQUALE "PAT" PAPERIO, JR.	✓					✓	PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____ NAY _____