

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

ORDINANCE

No. **23-019**

1ST READING APRIL 4, 2023

DATE TO MAYOR _____

2ND READING & PUBLIC HEARING April 18, 2023

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE ESTABLISHING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 228, FIRE PREVENTION, ARTICLE IV, PRIVATE FIRE HYDRANTS

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, Part II, General Legislation, Chapter 228, Fire Prevention*, as amended and supplemented, be further amended and supplemented as follows to establish Article IV, *Private Fire Hydrants*:

CHAPTER 228

FIRE PREVENTION

ARTICLE IV – PRIVATE FIRE HYDRANTS

§ 228-27. Purpose.

Private fire hydrants are those that are located on private property, which are owned and maintained by the property owner. Private fire hydrants are required by the Fire Department to supply the necessary water supply for fire protection. Private fire hydrants are installed when the distance between the building or property and the closest public fire hydrant is too far for the Fire Department to access for a fire.

§ 228-28. Definitions.

For the purpose of this chapter, the following definitions apply:

FIRE DEPARTMENT

The Fire Division of the Township of Hamilton in the Department of Public Safety.

HYDRANT

A private fire hydrant as defined in this section below.

IMPAIRED HYDRANT

A private fire hydrant which is not operational.

IMPAIRMENT

A shutdown of a private fire hydrant which renders the hydrant nonoperational and out of service.

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INSPECTION

A visual inspection of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.

MAINTENANCE

Work performed to keep a private fire hydrant operational.

NFPA STANDARD

The most current standards promulgated by the National Fire Protection Association (NFPA) for the inspection, testing and maintenance of water-based fire protection systems.

OWNER

The person that holds record title to the property upon which a private fire hydrant is located.

PRIVATE FIRE HYDRANT

A private connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and which is not located within the public right-of-way.

QUALIFIED

Having knowledge of the insulation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.

RECORD

Written documentation of the inspection, testing, maintenance, correction or repair of a private fire hydrant.

TESTING

A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and whether it will perform as intended; for instance, water flow tests.

§ 228-29. General Requirements.

- A. Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property.
- B. Every private fire hydrant shall by means of periodic inspections, tests, maintenance, correction, and repair shall be maintained in a proper working condition, fully consistent with this article, with the applicable NFPA standards, and the specifications and recommendations of the manufacturer of the hydrant.
- C. Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this article and the NFPA standards, and shall be in accordance with the manufacturer's specifications or recommendations. In the event of a conflict among any of the applicable standards, the restricted standard, which is protected by the Public Health and Safety Act, shall apply. Inspection, testing, maintenance, correction and repair shall be performed by qualified maintenance personnel.

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- D. The owner shall promptly correct or repair an deficiencies, damaged parts, or impairments found while performing the inspection, testing and maintenance requirements of this article.
- E. The owner shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner has knowledge or, in the exercise of reasonable care, ought to have knowledge.

§ 228-30. Inspection, Testing, Maintenance, Correction and Repair.

- A. This section establishes the minimum requirements for the routine inspection, testing, maintenance, correction and repair of private fire hydrants.
- B. On or before October 1 of each year, the owner shall have inspected, tested, maintained and, if necessary, corrected and repaired, each private fire hydrant to ensure proper functioning.
- (1) The owner shall have an inspection conducted of a private fire hydrant after each time the hydrant is operated.
- (2) The hydrant shall be opened and water flowed until all foreign material has cleared. Flow shall be maintained for not less than one minute and after operation, the hydrant shall be observed for proper drainage from the barrel. The test shall include the water pressure coming out of the hydrant as measured by pounds per square inch and a calculation of the number of gallons of water permitted from the hydrant.
- C. Private fire hydrants shall be lubricated annually to ensure that all stems, caps, plugs and threads are in proper operating condition.
- D. Private fire hydrants shall be kept free of snow, ice or other materials and protected against mechanical damage. Free access to the hydrant shall be ensured.
- E. The owner shall repair as soon as practical a private fire hydrant which is impaired or otherwise does not function as provided for by this article, the NFPA Standards, or the manufacturer's specifications.
- (1) After all necessary repairs to a private fire hydrant are completed, the owner shall have the hydrant inspected and tested to ensure that the hydrant is operational. The inspection and testing shall be performed by a qualified contractor.
- (2) The owner shall submit to the Fire Department a record of the annual inspection and testing of the private fire hydrant no later than October 1 of each year and shall also submit the record of any required correction or repair within ten (10) days of such work. The owner shall retain a copy for at least two (2) years.

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§ 228-31. Responsibilities of Owner.

With respect to any fire hydrant located on private property, the owner of the property shall:

- A. Ensure that access to the fire hydrant is not impeded and that the area surrounding the fire hydrant is kept clear.
- B. Fire hydrant shall be painted in accordance with the requirements of the Fire Department and the paint color maintained. The fire hydrant shall be red and all three (3) caps painted white. In addition, the Fire Department may require the installation of reflective tape.
- C. In the event that a private fire hydrant is impaired or otherwise not fully functional, the owner shall install a tag on the fire hydrant identifying the nature of the impairment and the date the impairment was identified. In addition, the owner shall immediately notify the Fire Department of the impairment and when the impairment is expected to be corrected.

§ 228-32. Violations and Penalties.

Any person violating the provisions of this article shall be subject to the following:

- A. For the first violation, a fine of not less than \$500.00 and not exceeding \$2,000.00 shall be imposed.
- B. A second violation within one (1) year of the date of the previous violation shall result in an additional fine as a repeat offender. The additional fine imposed by the court for a repeat violation shall be not less than the minimum of \$1,000.00 or exceed the maximum fine of \$2,000.00, but shall be calculated separately from the fine imposed for the new violation.
- C. Any person convicted of a violation of this article may, in the discretion of the court, and in default of the payment of any fine imposed therefore, be imprisoned for a term not exceeding ninety (90) days and be required to perform community service for a period not exceeding ninety (90) days.
- D. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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

PRESIDENT

MUNICIPAL CLERK

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

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

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____ OVERRIDE VOTE AYE _____ NAY _____