

ORDINANCE NO. 2013-6

ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING  
CHAPTER XVI, "FIRE PREVENTION AND PROTECTION"  
SECTION 16-8, "ADDITIONAL REQUIRED INSPECTIONS AND FEES REQUIRED BY THE NEW JERSEY  
ADMINISTRATIVE CODE",  
SECTION 16-9, "REGISTRATION; PERMITS; FEES", and  
SECTION 16-10, "TECHNICAL AMENDMENTS"

Mr. DuPont offered the following ordinance on final reading and moved its adoption:

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Chapter XVI of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Fire Prevention and Protection" is hereby amended and supplemented as follows:

**SECTION ONE:** Section 16-8, "Additional Required Inspections and Fees Required by the New Jersey Administrative Code"; Section 16-9, "Registration; Permits; Fees", and Section 16-10, "Technical Amendments" are amended and supplemented to the following extent (*strikeouts denote deletions, double underlined text denote additions*):

**16-8 ADDITIONAL REQUIRED INSPECTIONS AND FEES AS REQUIRED BY N.J.A.C. ~~(5:18-2.1.b)~~.**

In addition to the inspections and fees required pursuant to the Uniform Fire Safety Act (P.L. 1983, C. 383) and the regulations promulgated thereof, the following additional inspections and fees shall be required for all premises except life hazard uses as defined in Subchapter 2 of the New Jersey Uniform Fire Code (N.J.A.C. ~~5:18-2.4~~ 5:70-2.4, et seq.). All inspections shall be conducted annually unless otherwise specified. Measurements shall be the exterior of the building, and shall include the total square footage of all occupied areas on all floors.

*Sections a. Through h. No Change.*

- i. *Fire Suppression Costs.* Pursuant to N.J.A.C. 5:18-2.17(a), et seq., and/or where the Fire Marshal determines that a "fire watch" or "fire department standby" is necessary for the protection of the public, the cost of such fire suppression, fire watch or fire department standby activities shall be determined as follows:
  1. Apparatus — Seventy-five (\$75.00) dollars per hour/each vehicle.
  2. Manpower — ~~twenty-five (\$25.00)~~ Thirty-five (\$35.00) dollars per hour per ~~man~~ firefighter.
  3. Extinguishing agent — Actual replacement cost of agent expended.
  4. Broken tools, equipment — Cost of replacement.
  5. Breathing air — Fifteen (\$15.00) dollars per bottle.
  6. Other costs — actual costs incurred.

(Ord. #14-85, A VIII)

j. *No Change..*

**16-9 REGISTRATION; PERMITS; FEES.**

- a. The annual registration fee for life hazard uses shall be in accordance with N.J.A.C. 5:70-2.9(a) et. seq.
- b. The application fees for Fire Safety Permits established by the Uniform Fire Code as per N.J.A.C. 5:70-2.7 et. seq. are as follows:

Type 1 — ~~Fifty (\$50.00)~~ Seventy-five \$75.00 dollars.

Type 2 — ~~One Hundred and Seventy Five (\$175.00)~~ Two Hundred (\$200.00) dollars.

Type 3 — ~~Three Hundred and Fifty (\$350.00)~~ Four Hundred (\$400.00) dollars.

Type 4 — ~~Five Hundred (\$500.00)~~ Five Hundred Fifty \$550.00 dollars.

Type 5 — (Reserved)

(Ord. #14-85, A IX)

- c. *Local Registration.* Local Registration Fees shall be in accordance with Section 16-8, as set forth above.

**16-10 TECHNICAL AMENDMENTS.**

The following technical amendments refer to local amendments, additions, deletions or changes ~~in to~~ the ~~BOCA Basic Fire Prevention Code/1984,~~ **Subchapter 3 - State Fire Prevention Code** including all subsequent revisions and amendments thereto adopted as the State Fire Prevention Code under ~~N.J.A.C. 5:70-3.1, a,~~ **N.J.A.C. 5:71-2.8 (a).**

- a. The following Sections F-311.4, F-311.5, F-311.6, and F-311.7 are re-numbered and amended as follows:

- ~~F-311.3.4~~ **F-503.3.1** Marking of ~~Fire Lanes~~ **Fire Apparatus Access Roads**: The marking of fire lanes and/or fire apparatus access roads shall be the responsibility of, and at the expense of, the property owner and shall be accomplished within thirty (30) days of the receipt of the notification. Fire lanes and fire apparatus access roads ~~zones~~ shall be marked and identified in a manner as prescribed by the Fire Official.
- ~~F-311.4.5~~ **F-503.4.1** Vehicle Removal: It shall be a violation of this code for any person to park a motor vehicle in or otherwise to obstruct a fire lane. Vehicles found parked in a fire lane shall be removed at the vehicle owner's expense.
- ~~F-311.5.6~~ **F-503.4.2** Enforcement: The Fire Official and the Police Department of the Borough of Red Bank shall be empowered and have concurrent jurisdiction to enforce Section F-311.4 5 through the issuance of Municipal Court Summons.
- ~~F-311.6.7~~ **F-503.4.3** Penalties: Violation of Section F-311.4 5 shall be punishable by a fine of not less than \$100.00 for the first offense and not less than \$250.00 for repeated offenses.

- b. Section 504.6 is renumbered as follows:

- ~~F-504.6~~ **F-901.5.2** Service Contracts: The owner of a premise which contains a required fire suppression system, fire alarm system, standpipe system, or fire pump, shall annually provide the Fire Official with a copy of a service contract for the system or systems for the ensuing year. The service contracts shall be with the manufacturer or an authorized installation or maintenance company. Failure to maintain a service contract or to provide a copy of same to the Fire Official shall be a violation of this Code.

- c. The following Sections F- 504.6, F - 504.6.1, F- 504.6.2 and F- 504.6.3 are renumbered as follows:.

- ~~F-504.6~~ **F- 916** Fire Alarm Activations: Activations of Fire Alarm Systems, which result in the response of the Fire Department, when no fire or other emergency exists, shall be deemed a violation of this Code and shall be punishable as follows:
- ~~F-504.6.1~~ **F- 916.1** Each accidental activation of a Fire Alarm System by an alarm service employee, or representative, upon the second occurrence, without first notification to the Fire Official, Fire Department or Police Dispatcher, shall be punishable by a penalty of not less than \$100.
- ~~F-504.6.2~~ **F- 916.2** Each activation or malfunction of an alarm system or device due to lack of action on the part of building personnel or management shall, after the first malfunction of the same device, be subject to a penalty of not less than \$50.00 for the first and second offense, and not less than \$100.00 for each offense thereafter.
- ~~F-504.6.3~~ **F-916.3** Failure to maintain a fire alarm system in a building where it is required, shall result in the issuance of a penalty of not less than \$500.00 per day, for each 24 hour period said system is not operational. When any fire alarm system or device becomes or is found inoperative, a fire alarm service company must be working to restore said system or device to operational status within eight hours of discovery, after which such penalty shall be assessed.

- d. Delete the following Sections F - 515.3, F-515.4 and F-515.5:

- ~~F- 515.3~~ ~~General: All existing one and two family dwellings, shall be provided with a minimum of one approved smoke detector on each floor level, and/or within ten feet of each sleeping area. Each detector shall be installed in accordance with NFPA 72 listed in Chapter 44. Exception — those buildings built in complete conformance with the New Jersey Uniform Construction Code.~~
- ~~F- 515.4~~ ~~Power Supply: In all one and two family dwellings, constructed prior to~~

~~January 1, 1977, smoke detectors may be of the single station battery type. In all one and two family dwellings constructed after January 1, 1977, smoke detectors shall be installed in compliance with the Uniform Construction Code.~~

~~F 515.5 Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.~~

e. **Renumber Sections F- 522, F - 522.1 and F-522.2 as follows:**

**Section F-522 F – 917 Special Protection Devices**

~~F-522.1~~ **F-917.1** Fire Alarm Interconnection: In premises requiring fire alarm systems, where in the opinion of the Fire Official, the audible or visible alarm devices are not likely to be heard or recognized by the occupants, due to amplified music, theatrical lighting, or other such systems. The Fire Official may require interconnection of such systems with the fire alarm system, so that activation of the fire alarm system will result in shut down of any system which masks or otherwise interferes with the audible or visual alarm **notification appliances** ~~devices~~.

~~F-522.2~~ **F-917.2** Outside Strobes: In all buildings requiring a fire department connection, or in complexes with more than one building, the Fire Official may require the installation of an outside **audible and visual notification appliance**, ~~strobe type visual alarm~~, so that the building, or fire department connection location, is readily apparent to responding fire apparatus.

Exception — Buildings and structures built **or rehabilitated** in complete compliance with the New Jersey Uniform Construction Code.

f. **Renumber Section F- 3206.10 as follows:.**

~~F-3206.10~~ **F – 2211.5.1** Fuel Tank Removal: The removal or draining of fuel tanks from fuel powered vehicles or equipment shall not be permitted within a building. Fuel tank removal or draining operations must be conducted outdoors.

g. **Delete the following sections: F- 3203.1.1 and F-3203.1.2.**

~~F-3203.1.1 New Facilities: Establishment of new facilities for the bulk storage, processing, distillation, refining, or blending of flammable or combustible liquids shall be prohibited in the Borough of Red Bank as set forth in the Planning Development Regulations of the Borough of Red Bank.~~

~~F-3203.1.2 Existing Facilities: Existing facilities for the bulk storage, processing, distillation, refining, or blending of flammable or combustible liquids may continue to exist, provided the facilities comply with the requirements of this code.~~

h. **Delete the following Sections F-3203 12 through F -3203.12.5:**

~~F-3203.12 Foam Concentrate Supply: All facilities where flammable or combustible liquid storage exceeds 660 gallons in above ground containers, whether indoors or outdoors, shall provide a supply of firefighting foam concentrate within a locked location on the premises, not exposed to the hazard, but accessible to the Fire Department. If the facility does not have an acceptable storage location the Fire Official may approve off-site storage at a location acceptable to the Fire Department.~~

~~F-2806.5.1 3203.12.1 Type of Foam: Firefighting foam shall be appropriate for application on the material stored. The foam shall be either AFFF or AFFF/ATC or the approved equivalent. When the material stored requires a special type of foam, the appropriate type shall be provided.~~

~~F-2806.5.2 3203.12.2 Amounts Provided: The amount of foam to be provided shall be determined by the foam manufacturer with the approval of the Fire Official. The amounts and types of foam shall be determined based upon the product stored, the surface area of the largest tank within the facility, the minimum duration of discharge, as recommended by NFPA Standard 11, listed in Appendix A.~~

~~F-2806.6 3203.12.3 Foam "Bank": Facilities required to provide firefighting foam, when approved by the Fire Official may contribute to a foam "Bank," established by the Fire Department. In such cases, each facility contributing to the foam "Bank" shall be required to contribute an~~

~~amount equal to one half of the foam concentrate supply required for the facility. In the event of a fire at a facility contributing to said bank, the facility shall be assessed the cost of foam replacement to the bank.~~

~~The foam bank shall be located in a building under the care, custody, and control of the Fire Department. In the event of a Fire Emergency the Fire Chief may use foam from the foam bank as needed. However, any foam taken from the bank, and used by the Fire Department at a fire not within a contributing facility, shall be replaced by the Fire Department.~~

~~F 2806.6.1 3203.12.4 Records: The Fire Official shall maintain accurate records concerning the foam bank. Records shall include name and address of contributing facility, amount contributed, date contributed and type contributed. Records shall also include details of foam use, such as date of incident, time of incident, and amount and type of foam used.~~

~~F 2806.6.2 3203.12.5 Recovery: Whenever foam concentrate is re-moved from the foam bank for use at a fire or other emergency, as directed by the Fire Chief, the Fire Official may assess the owner of the building, premise, vehicle, truck, rail car, or product involved in such emergency, the cost of replacement of any and all foam expended.~~

~~Replacement costs shall not be assessed in incidents where foam use does not exceed five (5) gallons.~~

**SECTION TWO:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION THREE:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION FOUR:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Ms. Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	( x )	( )	( )	( )
Mr. Zipprich	( x )	( )	( )	( )
Mr. DuPont	( x )	( )	( )	( )
Ms. Horgan	( x )	( )	( )	( )
Ms. Lee	( x )	( )	( )	( )
Mr. Murphy	( )	( )	( )	( x )

Dated: June 12, 2013