

ORDINANCE 2022-17

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 15-2, ENTITLED “ADMINISTRATION AND ENFORCEMENT,” OF CHAPTER 15, “FIRE PREVENTION AND PROTECTION,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN”

WHEREAS, the Borough of Hightstown (the “Borough”) has previously established certain fire prevention and protection regulations within the Borough; and

WHEREAS, per the recommendation of the Borough’s Fire Official, the Borough Council wishes to make certain revisions to the existing fire prevention and protection regulations.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. Article 15-2, entitled “Administration and Enforcement,” of Chapter 15, “Fire Prevention and Protection,” of “The Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

Article 15-2. Administration and Enforcement

§ 15-2-1. Definitions.

LIFE HAZARD USE

The premises and uses identified in the New Jersey Uniform Fire Code at N.J.A.C. 5:70-2.4, 2.4A, 2.4B, 2.4C and 2.4D, respectively, as may be amended from time to time.

NON-LIFE HAZARD USE

All other premises and uses which do not meet the definition of Life Hazard Use.

§ 15-2-12. Uniform Fire Safety Act; Fire Prevention Code.

Pursuant to N.J.S. 52:27D-202 of the Uniform Fire Safety Act, the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1, et seq., and the Fire Prevention Code are hereby adopted and shall be locally enforced throughout the Borough.

§ 15-2-23. Local Enforcing Agency Designated.

The local enforcing agency shall be the Bureau of Fire Safety.

§ 15-2-34. Enforcement; Bureau of Fire Safety.

The Fire Official shall be responsible for the enforcement of the Fire Prevention Code of the Borough. To assist in the performance of the responsibilities and duties placed upon the Fire Official, a Bureau of Fire Safety is hereby created consisting of the Fire Official and such other fire inspectors as may be designated as set forth in § **15-2-4**.

§ 15-2-45. Fire Official; Fire Inspectors.

A. Fire Official. The Bureau shall operate under the direct supervision and control of the Fire Official. The Fire Official shall be responsible for the direct administration and enforcement of the Fire Prevention Code.

- B. Fire Inspectors. Upon recommendation of the Fire Official, the Mayor and Council may designate such number of fire inspectors as shall from time to time be deemed necessary. Such fire inspectors shall be selected through an examination to determine their fitness for the position.

§ 15-2-56. Inspections of Non-Life Hazard Uses.

~~The Bureau of Fire Safety shall enforce the State Uniform Fire Safety Act and regulations promulgated pursuant thereto and the Fire Prevention Code in all structures and premises, except one-family and two-family dwellings, and buildings owned or operated by the Federal government or State and interstate agencies, provided that common areas, storage and mechanical areas and other areas not used as dwellings in multifamily structures shall also be subject to inspection. Inspections shall be made as often as necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause a fire or any violations of the provisions of the Fire Prevention Code or any other ordinance affecting fire hazards. The Fire Official or other qualified fire inspector shall inspect each structure covered by this article at least annually.~~

The Bureau of Fire Safety shall inspect all buildings, structures or premises not listed as life hazard uses (referred hereafter as non-life hazard uses), with the exception of owner-occupied detached one- and two-family dwellings that are used exclusively for residential purposes. Individual dwelling units in multi-family dwellings are also excluded from this inspection program with the exception of the common egress, storage, and mechanical areas of such structures. All non-life hazard uses shall be inspected periodically as follows:

- A. At least every twenty-four (24) months, except as set forth in “B” below.
- B. Non-life hazard uses that are required by New Jersey law or rule to have annual inspections shall be inspected at least every twelve (12) months.

Nothing herein shall prohibit the Bureau of Fire Safety from inspecting any non-life hazard more frequently at the request of the occupant and subject to the inspection fees set forth herein.

§ 15-2-7. Registration of Non-Life Hazard Uses.

- A. Owners of businesses and/or other uses constituting industrial, commercial, professional services, educational, multi-family residential and other uses not classified as life hazard uses by the New Jersey Uniform Fire Code and which are required to be inspected herein in accordance with this article and the requirements of the New Jersey Uniform Fire Code shall register annually with the Bureau of Fire Safety as provided herein.
- B. The owners of uses required to be registered shall do so on forms provided by the Bureau of Fire Safety, which forms shall include, but not be limited to, the following information:
- (1) The name, address, telephone number, and email address of the owner of the property upon or in which the use is located.
 - (2) The name, home address, home telephone number, and email address of the owner, operator, or registered agent of the use, if different from the owner of the property.
 - (3) The name, physical location, mailing address, and telephone number of the use or business.
 - (4) The type of use along with a description of the business of activity being conducted.
 - (5) The amount of square footage being utilized or occupied by the use or business.
 - (6) Any further information deemed necessary to identify or classify the use or business, as may be required by the Fire Official.

C. It shall be a violation of this Article for the owner or operator of a business to fail to return such forms within thirty (30) days of being ordered to do so by the Fire Official. If the ownership is transferred, whether by sale, assignment, gift, intestate succession, devise, reorganization, receivership, foreclosure or execution process, or by any other means of conveyance, the new owner or operator shall file a new registration within thirty (30) days of such a transfer.

§ 15-2-8. Failure to Register.

A penalty of Two Hundred Fifty Dollars (\$250.00) shall be assessed for any business or use required to register that fails to register in accordance with the requirements herein.

§ 15-2-69. Life Hazard Uses.

The Bureau of Fire Safety shall conduct the periodic inspections of life hazard uses required by the Fire Prevention Code on behalf of the New Jersey Commissioner of Community Affairs.

§ 15-2-710. Other Powers and Duties of Bureau of Fire Safety.

The Bureau of Fire Safety shall have such other powers and perform such other duties as are set forth in other sections of this chapter as may be conferred and imposed from time to time by law.

§ 15-2-811. Fire Official to Recommend Additional Regulations.

It shall be the duty of the Fire Official to investigate and to recommend to the Borough Council such additional ordinances or amendments to existing ordinances as he may deem necessary for safeguarding life and property against fire.

§ 15-2-912. Administration of Bureau of Fire Safety.

The Fire Official shall serve as administrator and enforcement officer of the Bureau of Fire Safety and shall report to the Mayor and Council. He shall establish the day-to-day operating routines of the Bureau of Fire Safety and shall coordinate the activities of any technical inspectors.

§ 15-2-1013. Appointment of Fire Official; Authority; Term of Office.

- A. The Mayor and Council shall appoint a Fire Official pursuant to the State Uniform Fire Code, N.J.A.C. 5:70-1 et seq. The Fire Official shall be appointed on the basis of examination or another method selected by the Mayor and Council for determining his qualifications.
- B. The Bureau shall be under the direct supervision and control of the Fire Official who shall report to the Mayor and Council. He shall have authority, as may be necessary in the interest of public safety, health and general welfare, to establish rules and regulations, to interpret and enforce the provisions of the Fire Prevention Code and to determine special requirements applicable because of climatic or other conditions, but no such rules shall have the effect of waiving any fire safety requirements specifically provided in the Fire Prevention Code or violating accepted engineering practices involving public safety.
- C. The term of office of the Fire official shall be four years.
- D. The Fire Official may be removed from office by the Borough Administrator for failing to perform the Fire Official's duties.
- E. A qualified interim Fire Official may be appointed as needed by the Borough Administrator.

§ 15-2-1114. (Reserved)

§ 15-2-1215. Legal Counsel.

The Borough Attorney shall serve as legal counsel to the Bureau of Fire Safety.

Section 2. All parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

Section 3. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Introduction: August 15, 2022

Adoption:

ATTEST:

MARGARET M. RIGGIO
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR