

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
  
ORDINANCE NO. 2018-01**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON TO ESTABLISH A BUREAU OF FIRE SAFETY ACT AND FIRE CODE ENFORCEMENT OF THE UNIFORM FIRE SAFETY ACT AND FIRE CODE**

**WHEREAS**, the Governing Body has determined that it is appropriate and necessary to establish a Bureau of Fire Safety Act and Fire Code Enforcement of the Uniform Fire Safety Act and Fire Code.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Borough of Lebanon, with the Approval of the Mayor, that the Uniform Fire Code shall be enforced by the Lebanon Borough Bureau of Fire Safety, herein adopted and established as follows:

**SECTION 1. FIRE CODE AND BUREAU OF FIRE SAFETY**

**ARTICLE 1: UNIFORM FIRE CODE**

**§ 1 Local enforcement.**

Pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1.1 et seq., shall be locally enforced in the Borough of Lebanon.

**§ 2 Bureau of Fire Safety.**

The local enforcing agency shall be the Bureau of Fire Safety of the Borough of Lebanon or its designee.

The Bureau of Fire Safety or its designee 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 Borough other than: owner-occupied one- and two-family dwellings; premises owned by or leased to and maintained by the federal government or any agency or instrumentality thereof; and interstate agencies, the State of New Jersey, or any agency or instrumentality thereof. In undertaking such enforcement, the Bureau of Fire Safety or its designee shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

**§ 3 Organization.**

The Bureau of Fire Safety, is designated as the local enforcing agency, and the Fire Marshal or designee under a Shared Services Agreement or otherwise, shall be the chief administrator of the Bureau of Fire Safety and shall coordinate day-to-day Bureau responsibilities with the Fire Chief of the Lebanon Borough Volunteer Fire Department.

**§ 4 Fire Marshal; inspectors and employees.**

A. Appointment of Fire Marshal. The Bureau of Fire Safety shall be under the supervision of the Fire Marshal, who shall be appointed by the Mayor, with the advice and consent of the Council following a recommendation by the Borough Administrator (or by the Governing Body of the designee under a Shared Service Agreement), who shall receive input from the Fire Chief and/or designee's Fire Chief.

B. Term of office. The Fire Marshal shall serve for a term of two years. Upon a vacancy in the office prior to the end of the two-year term, the new Fire Marshal's two-year term shall commence upon appointment by the Mayor with the advice and consent of the Council pursuant to resolution (or the designee's appointment).

C. Inspectors and employees. Such inspectors and other employees of the Bureau of Fire Safety as may be necessary shall be appointed by the Administrator pursuant to Borough policy (or the designee's Policy).

D. Removal from office. All employees of the Bureau of Fire Safety shall be subject to disciplinary action, including but not limited to removal, pursuant to Borough personnel policies (or the designee's personnel policies). An employee so removed shall be afforded an opportunity to be heard by a hearing officer designated by the Mayor and Council (or designee's Governing Body). The determination of the hearing officer shall be final.

**§ 5 Appeals to County Board of Appeals.**

Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Safety shall have the right to appeal to the Construction Board of Appeals of the County of Hunterdon.

**§ 6 Inspection of Life-hazard uses.**

The Bureau of Fire Safety shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the New Jersey Commissioner of Community Affairs.

**§ 7 Annual Registration of Non-Life Hazard Uses**

A.

Non-life hazard use registrations shall be processed by the Bureau of Fire Safety in compliance with the Uniform Fire Code.

B.

All Borough of Lebanon owned property shall be exempt from the registration fees required under this chapter except as it pertains to life-hazard uses.

C. In addition to the inspections required by the Uniform Fire Code, the owners of businesses and of other uses constituting industrial, commercial, professional services, educational, multi-family residential and other uses not classified as life hazard uses by the Uniform Fire Code shall register annually with the Bureau of Fire Safety within 30 days of notice. Failure to comply will result in assessment of a penalty of \$250.00.

D.

Owners of the aforesaid uses not classified as life hazard uses by the Uniform Fire Code shall pay to the Borough of Lebanon or their designee, (or as may be amended by action of the Borough of Lebanon or its designee) registration fees determined by the gross floor area of the use, as follows:

Under 499 square feet	\$50.00
500 square feet to 999 square feet	\$80.00
1,000 square feet to 2,999 square feet	\$100.00
3,000 square feet to 5,999 square feet	\$125.00
6,000 square feet to 11,999 square feet	\$175.00
12,000 square feet to 24,000 square feet	\$300.00
For each additional 1,000 Square feet above	
24,000 square feet	\$25.00

- Retail or commercial common area: \$175.

- As to multiple-family residential dwellings:

Any number of units: \$30 per unit.

Multiple-family dwelling common area: \$100.

E. The payment of the above fees shall be the responsibility of the occupant of the premises, except that the fee for Retail or Commercial Common area shall be the responsibility of the property owner. Fees are subject to change from time to time upon adoption of an updated ordinance or the discovery of additional square footage in a structure or separate structure(s) that were not previously identified.

F. Failure to pay registration fees: It shall be unlawful to refuse or fail to pay a registration fee after being given notice to do so as per the established fee schedule in this chapter, pursuant to the Uniform Fire Safety Act. Any penalties assessed are in addition to other penalties previously assessed.

## **§ 8 Miscellaneous Fees.**

A. Pursuant to the Uniform Fire Code, upon the request of the owner or bona fide purchaser of a building or structure, the Fire Marshal shall issue a certificate either enumerating the violations indicated by its records to be abated and the penalties or fees indicated to be unpaid or stating its records indicate that no violations remain unabated and no penalties or fees remain unpaid. Such request shall be in writing and

accompanied by a fee of \$25.00.

B. Any person who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all violations of record and shall be liable for the payment of all unpaid fees or penalties.

**§ 9 Smoke Alarm, Carbon Monoxide Alarm, Fire Extinguisher Compliance Inspection:**

Before any residential property is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke alarm, carbon monoxide alarm, portable fire extinguisher compliance (CSACMAPFEC). The application fees for CSACMAPFEC, as required by N.J.A.C. 5:70-2.3 (or as may be amended) shall be based upon the amount of time remaining before the change of occupancy is expected as follows:

A. Requests for CSACMAPFEC received more than ten (10) business days prior to change of occupancy shall be fifty (\$50.00) dollars.

B. Requests for CSACMAPFEC received four to ten (4-10) business days prior to the change of occupancy shall be ninety (\$90.00) dollars.

C. Request for CSACMAPFEC received fewer than four (4) business days prior to the change of occupancy shall be one hundred sixty one (\$161.00) dollars.

D. A no-show or failed-inspection shall be subject to a \$50.00 re-inspection fee. A no show inspection means:

The owner/agent

fails to meet inspector within five (5) minutes of the appointed time for inspection or reinspection;

The owner/agent does not have a key or is unable to give the Fire Marshal or designee access to the premises for the scheduled inspection or reinspection; or

Electrical power to a premises is disconnected and smoke alarm(s) to be tested are powered by electrical current from the building wiring system.

E. An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this section when the premises do not comply with the requirements hereof, or without complying with the inspection and certification requirements hereof, shall be subject to a penalty of not more than five hundred (\$500.00) dollars. This penalty shall be separate and distinct from penalties assessed under the Uniform Fire Safety Act, N.J.S.A. 52:27D-198.3.

**§ 10 Fire Permit Fees.**

The following fees (or as such fees may be amended) are hereby established for the types of permits described in the New Jersey Uniform Fire Code at N.J.A.C. 5:70:2.9(c)

Type 1 – \$60.00

Type 2 - \$214.00

Type 3 - \$427.00

Type 4 – \$641.00

Type 5 – Reserved

**§ 11 Violations; penalties.**

The provisions of this article shall be enforced pursuant to the provisions of the Uniform Fire Safety Act.

Payment of penalties assessed shall be made in full within 30 days after notice was issued. If not, collection will be referred to the Borough Attorney or designee’s attorney for summary collection pursuant to the Penalty Enforcement Law, N.J.S.A 2A: 58-10 et seq.

Appeals of any such penalties shall be filed with the Hunterdon County Construction Board of Appeals.

**ARTICLE II: RAPID ENTRY SYSTEMS**

**§ 1 Rapid Entry Systems, When required.**

All buildings within the Borough of Lebanon having an automatic fire detection or suppression system shall be equipped with a rapid entry key lock box. However, this requirement shall not apply to owner-occupied one- and two-family dwellings identified by the Uniform Construction Code (N.J.A.C. 5:23 et seq.) as R-3 and R-4.

All commercial and industrial properties within the Borough of Lebanon protected by fences, gates, and related barriers presently secured by using a padlock, or electronically operated or automatic gates or other control circuits shall be equipped with a high security padlock or high security key switch as approved by the Fire Chief. The high security padlock and key switches shall be located as set forth in §3 of this Article and in a manner as directed by the Fire Chief and/or Fire Marshal.

**§ 2 Rapid entry key lock box, high security padlock and key switch types.**

The rapid entry key lock box and high security padlock and key switches shall be Underwriter Laboratories (U.L.) certified and approved by the Fire Chief.

### **§ 3 Location.**

The rapid entry key lock box shall be located at or near the main entrance to the building or property. The key lock box shall be mounted at a minimum height of five feet and a maximum of six feet above final grade.

### **§ 4 Key lock box contents.**

The key lock box shall contain labeled keys, easily identified in the field, to provide access into the property and/or building and to any locked areas within said building, and as may be further directed by the Fire Chief.

### **§ 5 Compliance.**

All existing buildings shall comply with the provisions of this article. All newly constructed buildings, not yet occupied, or buildings currently under construction shall comply with the requirements of this article prior to the fire detection or fire suppression system being accepted and approved for service.

### **§ 6 Violations and penalties.**

Any property or building owner failing to comply with, or in violation of the terms of this article shall, upon conviction thereof, be punishable by a fine not to exceed \$1,000 and/or by imprisonment for up to 90 days, and/or by a period of community service not exceeding 90 days, in the discretion of the court. Each and every day that such a violation continues shall be considered a separate and distinct violation of this article.

## **ARTICLE III: Fire Department Connections.**

### **§ 1 Identification .**

Fire department connection(s) that are located on buildings shall be identified with a sign as detailed in this section on new and existing buildings and shall be enforced in accordance with this article or more restrictive requirements if adopted in the NJ Uniform Fire Code or the Uniform Construction Code.

The signs shall be installed above the Fire Department Connection to indicate its location to approaching fire apparatus. Location of said sign shall be subject to the approval of the Fire Marshal.

The signs shall read "FDC," or Fire Department Connection; other approved wording will be subject to the approval of the fire marshal.

The sign shall have "FDC" at least 6 inches high or words "Fire Department Connection" with letters at least 2 inches high. All signs shall be subject to the approval of the Fire Marshal.

**ARTICLE IV: Interference with Fire Lanes, Fire Connections and Fire Department Operations and Equipment.**

**§ 1 Designation and Notification of Fire Lanes.**

A. Designation. Fire lanes on private property shall be designated in writing by the Fire Marshal of in accordance with the provisions of the Uniform Fire Code N.J.A.C. 5:70-1.1 et seq., as may be amended from time to time.

B Markings.

Signs. The owner of any property upon which fire lanes are designated in accordance with the requirements of this article shall install signs at intervals of one for every one hundred linear feet of fire lane or part thereof, or as otherwise approved by the Fire Marshal. Signs shall have a white reflective background and be provided with red lettering which reads "No Parking - Fire Lane." Such signs shall measure twelve inches by eighteen inches or as approved by the Fire Marshal.

Striping. The owner of any property upon which fire lanes are designated in accordance with the requirements of this article shall install striping as described herein for all fire lanes on improved areas provided as any portion of a fire lane. Fire lanes shall be provided with yellow lines. four inches in width along their entire circumference. The fire lane shall further be provided with diagonal striping, yellow in color and having a minimum width of four inches, spaced at intervals of five feet.

(3) Size. Fire lanes for vehicle access shall be a minimum of twelve feet in width, or as otherwise required by the Fire Marshal. Fire lanes for egress of occupants only shall only be required to be the width of the exit way served.

C Notification. Once a fire lane on private property has been designated by the Fire Marshal in accordance with the requirements of the Uniform Fire Code N.J.A.C. 5:70-1.1 et seq., as may be amended from time to time and properly marked by the property owner, the Fire Marshal shall notify the police department and municipal clerk in writing of the existence and location of such designated fire lane.

**§ 2 Enforcement.**

The Fire Marshal shall enforce the provisions of this article.

**§ 3 Vehicle parking, standing and obstruction prohibited; removal of same.**

No person, shall park, or otherwise leave unattended any vehicle or place any obstruction in or upon any fire lane at any time; or obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any other fire department connection for the suppression of fires, including fire hydrants and fire department connections that are located in public or private streets and access lanes, or on private property.

The Fire Marshal, who may request assistance from the designee's Police Department or the New Jersey State Police, if needed, shall have the authority to remove or have removed such obstructions or vehicles as may violate subsection 133-22A at the expense of the owner of the vehicle or property causing such obstruction.

## **§ 4 Interference with Fire Department Operations and Equipment**

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any Fire Department emergency vehicle in any way or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation.

Compliance with orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Chief, Fire Marshal or recognized incident commander or interfere with the compliance attempts of another individual at a Fire Department operation.

Driving over fire hoses. A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department, when laid down on any street, alleyway, private drive or any other vehicular roadway, without the consent of the Fire Chief or recognized incident commander in command of said operation.

Damaging or reducing effectiveness to fire protection systems It shall be unlawful for any person to damage or deface or attempt or conspire to damage or deface any fire protection system or reduce the effectiveness at any time.

Failure to report. It shall be a violation of this code for any person or persons, having knowledge of same, to fail to report to the Fire Department and/or Fire Marshal a fire or the activation of any fire protection system or device; or to fail to report the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material immediately upon gaining such knowledge.

## **§ 5 Violations; penalties.**

Any person, firm, corporation, partnership or other entity violating any provision of Article III or Article IV, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, or who shall fail to comply with such an order of the Fire Marshal or by a court of competent jurisdiction, within the time required, shall for each and every such violation and noncompliance, be subject to a penalty of not more than \$1250.00 under Articles III and IV. These penalties shall be separate and distinct from the penalties imposed by N.J.A.C. 5:70-2.12. Each and every day a violation occurs shall be deemed a separate and distinct offense. Penalties shall be paid to the Bureau of Fire Safety. The Bureau of Fire Safety shall provide one half of the first occurring penalty amount to the dedicated penalty account for the primary fire department's jurisdiction in which the violation occurred.

## **SECTION 2.**

All other provisions of the Fee Ordinance, Chapters and Articles shall remain unchanged and in full force and effect.

## **SECTION 3. SEVERABILITY.**

In event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.



**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect upon final adoption and publication in accordance with the law. Effective Share Service start date of July 1, 2018.

Vote after public hearing and upon final adoption:

Burton\_1  
Berger\_1  
Junge\_1  
Piagentini\_\_\_1\_\_\_  
Schneider\_\_\_1\_\_\_  
Baldinger\_\_\_1\_\_\_

Ordinance approved by the Governing  
Body and presented to the Mayor on  
\_\_\_\_\_, 2018

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Michael Reino, Mayor  
Date:

{or}

\_\_\_\_\_  
Michael Reino, Mayor  
Date:

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2018

**NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on January 17, 2018 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on February 21, 2018 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Clerk

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE #2018-01**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON TO ESTABLISH A BUREAU OF FIRE SAFETY ACT AND FIRE CODE ENFORCEMENT OF THE UNIFORM FIRE SAFETY ACT AND FIRE CODE**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 17th day of January 2018, and the same came up for final passage at a meeting of the said Borough Council on the 21<sup>th</sup> day of February, 2018 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC  
Borough Administrator/ Clerk

**INTRODUCED: January 17, 2018**  
**ADOPTED: February 21, 2018**