



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-19-05

AN ORDINANCE AMENDING CHAPTER 11 OF BOROUGH CODE CONCERNING THE UNIFORM FIRE CODE

WHEREAS, the Uniform Fire Code of the Borough of Highlands contains references to outdated provisions of the New Jersey Administrative Code, as well as outdated fees for inspections.

WHEREAS, certain sections of the Borough Code related to the Uniform Fire Code are currently located within the Police Regulations and should be updated and relocated.

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to update and consolidate provisions of the Uniform Fire Code of the Borough of Highlands.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Article II of Chapter 11 (Section 11-16) is hereby deleted in its entirety.

SECTION II.

Section 3-5 of the Borough Code entitled "Storage of Explosives" is hereby deleted in its entirety. Such provisions were superseded by New Jersey's Uniform Fire Code.

SECTION III.

Section 3-19 of the Borough Code entitled "Fire Zones A/K/A Fire Lanes" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 11 as set forth below.

SECTION IV.

Section 3-4 of the Borough Code entitled "Elimination of Fire Hazards" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 12 as set forth below.

SECTION V.

Section 3-6 of the Borough Code entitled "Storage of Boats" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 12.5 as set forth below.

SECTION VI.

The following Sections of Chapter 11 entitled "Uniform Fire Code" of the Borough Code shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics.***~~)

11-1 LOCAL ENFORCEMENT.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Borough of Highlands.

11-2 AGENCY DESIGNATION.

The Highlands Fire Department through its Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

11-3 DUTIES.

a. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Highlands other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal government, interstate agencies or the State.

b. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

11-4 ORGANIZATION.

a. The Bureau of Fire Prevention established by section 11-2 of this chapter shall be under the direct supervision and control of a fire official who shall report to the chief of the fire department.

b. The bureau of fire prevention shall have at least one paid inspector.

11-5 APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REMOVAL.

11-5.1 Appointment and Qualifications of the Fire Official.

The fire official shall be certified by the State and appointed by the governing body from a list of three names submitted by the chief of the fire department.

11-5.2 Appointment and Qualifications of Inspectors and Other Employees.

Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon recommendation of the fire official. All life hazard use inspectors shall be certified by the State.

11-5.3 Appointment of Legal Counsel.

The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

11-5.4 Term of Office.

The fire official shall serve ~~for a term of a minimum of one year. Any vacancy shall be filled for the unexpired term under the rules that govern the Civil Service for public employment in New Jersey, set forth in the Administrative Code at Title 4A.~~

11-5.5 Removal from Office.

The fire official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

11-6 LIFE HAZARD USES.

a. The bureau of fire prevention established by section 11-2 of this chapter shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on Behalf of the Commissioner of the New Jersey Department of Community Affairs.

b. Life hazard use fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-29(a) shall be followed.

11-7 NON LIFE HAZARD USES.

In addition to the registrations required by the Uniform Fire Code, the following non life hazard uses shall register with the bureau of fire prevention. These uses shall be inspected once per year and pay an annual fee. (The following is a recommended fee schedule for non life hazard use in the local enforcing agency's jurisdiction, and shall be included in Sub-Chapter 2 of the Uniform Fire Code, amended by local ordinance, the fee schedule amount for each non life hazard use may be amended to fit the needs of the local enforcing agency. The fee is not to be used for life hazard uses as defined in the Uniform Fire Code.)

a. *Assembly.*

A-1	Eating establishment under 50.....	\$ 35.00 <u>\$45.00</u>
A-2	Take-out food service (no seating).....	\$ 35.00 <u>\$45.00</u>
A-3	Church or synagogue.....	\$ 35.00 <u>\$45.00</u>
A-4	Recreation centers, multi-purpose rooms, etc. fewer than 100.....	\$ 50.00 <u>\$65.00</u>
A-5	Court rooms, libraries, fraternal organizations condominium centers fewer than 100.....	\$ 50.00 <u>\$65.00</u>
A-6	Senior citizen centers fewer than 200.....	\$ 50.00 <u>\$65.00</u>

b. *Business/Professional.*

B-1	Professional use 1 & 2 story less than 5,000 sq. ft. per floor.....	\$ 35.00 <u>\$45.00</u>
B-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	\$ 50.00 <u>\$65.00</u>
B-3	1 & 2 story more than 10,000 sq. ft.....	\$ 75.00 <u>\$90.00</u>
B-4	3 to 5 story less than 5,000 sq. ft. per floor.....	\$100.00 <u>\$130.00</u>
B-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	\$150.00 <u>\$195.00</u>
B-6	3 to 5 story over 10,000 sq. ft. per floor.....	\$200.00 <u>\$260.00</u>

c. *Retail (Mercantile).*

M-1	1 & 2 story less than 5,000 sq. ft. per floor.....	\$125.00 <u>\$160.00</u>
M-2	1 & 2 story more than 5,000 sq. ft. less than 10,000.....	\$150.00 <u>\$195.00</u>
M-3	1 & 2 story more than 10,000 sq. ft. per floor.....	\$175.00 <u>\$225.00</u>
M-4	3 to 5 story less than 5,000 sq. ft. per floor.....	\$200.00 <u>\$260.00</u>

M-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft.	\$225.00	<u>\$290.00</u>
M-6	3 to 5 story over 10,000 sq. ft.	\$250.00	<u>\$325.00</u>

M with the exception of hardware store 3,000 sq. ft., retail store over 12,000 sq. ft. are life hazard uses.

d. *Manufacturing (Factory).*

F-1	1 & 2 story less than 5,000 sq. ft. per floor	\$ 75.00	<u>\$90.00</u>
F-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor	\$100.00	<u>\$130.00</u>
F-3	1 & 2 story more than 10,000 sq. ft.	\$150.00	<u>\$195.00</u>
F-4	3 to 5 story less than 5,000 sq. ft. per floor	\$175.00	<u>\$225.00</u>
F-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft.	\$200.00	<u>\$260.00</u>
F-6	3 to 5 story over 10,000 sq. ft.	\$250.00	<u>\$325.00</u>

F exception life hazard uses.

e. *Storage S-1 (Moderate hazard S-1, low hazard S-2).*

S-1	1 & 2 story less than 5,000 sq. ft. per floor	\$ 50.00	<u>\$65.00</u>
S-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor	\$100.00	<u>\$130.00</u>
S-3	1 & 2 story more than 10,000 sq. ft.	\$150.00	<u>\$195.00</u>
S-4	3 to 5 story less than 5,000 sq. ft. per floor	\$175.00	<u>\$225.00</u>
S-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft.	\$200.00	<u>\$260.00</u>
S-6	3 to 5 story over 10,000 sq. ft.	\$250.00	<u>\$325.00</u>

S exception life hazard uses.

f. *Residential (LEA listed with multi-family BHI) and common areas in multi-family dwellings.* Fee is for each building.

R-1	1 to 6 units	\$ 35.00	<u>\$45.00</u>
R-2	7 to 12 units	\$ 50.00	<u>\$65.00</u>
R-3	13 to 20 units	\$ 75.00	<u>\$90.00</u>
R-4	21 to 50 units	\$125.00	<u>\$160.00</u>
R-5	For each additional unit	\$ 3.00	<u>\$5.00</u>

11-8 SMOKE DETECTOR INSPECTION FEES.

CSDC-1	More than 10 business days with a scheduled appointment.....	\$ 35.00 <u>\$45.00</u>
CSDC-2	4 to 9 business days with a scheduled appointment.....	\$ 50.00 <u>\$90.00</u>
CSDC-3	Less than 4 business days with a scheduled appointment.....	\$ 75.00 <u>\$161.00</u>
CSDC-4	If a scheduled appointment is not met by the owner/ appointee and/or there is a failure to have properly installed or have operating smoke detectors in accordance with the Uniform Fire Code, a fee will be added for each reinspection.....	\$ 15.00 <u>\$25.00</u>

11-9 PERMIT FEE.

a. The permit fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-2.9 shall be followed. Permits shall be obtained from the **fire marshal fire official** for any activities listed in N.J.A.C. 5:70-2.7. For issuance of such permits and on-site inspection(s), the following fees shall be paid by the owner or applicant.

PF-1	TYPE-1	Thirty-five <u>Forty-five</u> dollars.....	\$ 35.00 <u>\$45.00</u>
PF-2	TYPE-2	One hundred thirty-eight <u>Two hundred fourteen</u> dollars.....	\$138.00 <u>\$214.00</u>
PF-3	TYPE-3	Two hundred seventy-six <u>Four hundred twenty-seven</u> dollars.....	\$276.00 <u>\$427.00</u>
PF-4	TYPE-4	Four hundred fourteen <u>Six hundred forty-one</u> dollars.....	\$414.00 <u>\$641.00</u>

b. The **fire marshal fire official** is empowered to issue special permits for activities of a nonrecurring nature not covered in the permit sections of this chapter. However, no such permit shall be granted without maximized assurance of the safety of the public. The fees for such permits shall be neither less than ~~thirty-five (\$35.00)~~ fifty-four (\$54.00) dollars nor more than ~~four hundred fourteen (\$414.00)~~ six hundred forty-one (\$641.00) dollars as deemed appropriate by the fire marshal.

11-10 COPY OF DOCUMENT FEES. TECHNICAL AMENDMENTS.

- ~~a. Fire Report. Nine (\$9.00) dollars per copy.~~
- ~~b. Other Documents. Copies of all other documents, including, but not limited to, reports, photographs, statements, etc. eight (\$8.00) dollars for the first page or photographs and three (\$3.00) dollars for each additional copy of page or photographs of the same report.~~

a. Smoke Detectors: In addition to those requirements mandated by the Uniform Fire Code, the following are required within the Borough of Highlands:

1. Mixed Uses: Any mixed use occupancy with apartments above or attached shall have operating, hard-wired smoke detectors in all common areas and hallways. These detectors shall all sound simultaneously when any one detector is activated,

2. New Construction: All new structures erected within the Borough of Highlands shall comply with the smoke detector requirement of the Uniform Construction Code or this article,

3. Renovation of Existing Structures: Any existing structure renovated or reconditioned in a dollar value in excess of 50 percent of its assessed valuation (excluding land) shall comply with the installation requirements for smoke detectors.

4. One and Two Family Dwellings: Residential one and two family dwellings shall not be sold or rented unless hard-wired smoke detection devices are installed. Each dwelling unit shall have a minimum of one detector for each level of occupancy and one placed at a distance not greater than 15 feet from the main heating plant. In dwellings where the heating plant is in a confined space a fixed temperature detector (heat) shall be utilized.

5. Installation Requirements: The installation requirements for smoke detectors shall conform to the standards of NFPA 72 and shall be approved by the Fire Sub-Code Official of the municipality.

6. Tampering: It shall be unlawful to tamper with, disconnect, interrupt, or remove from service any smoke detection device or smoke detection alarm system without prior notice to, and approval of the authority having jurisdiction.

7. Penalties: The penalty for any violation shall be two hundred fifty (\$250.00) dollars for the first offense, seven hundred fifty (\$750.00) dollars for the second offense, and one thousand five hundred (\$1,500.00) dollars for each offense thereafter.

b. Blocking or Obstructing of Fire Hydrants or Fire Department Connections: It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict access to, any fire hydrant or fire department connection used for the pressurization of fire department suppression systems. Any person who shall at any time park a vehicle or in any other manner obstruct a fire hydrant or fire department connection shall be fined one hundred twenty-five (\$125.00) dollars.

11-11 FIRE ZONES A/K/A FIRE LANES.

11-11.1 Findings.

Various approvals issued by the planning board and/or board of adjustment of the Borough of Highlands have required certain areas to be set aside as fire zones a/k/a fire lanes, which are used interchangeably herein.

Certain structures and uses have not heretofore had areas designated as fire lanes, and it is desirable for the protection of life and property for fire lanes to be established where practicable.

N.J.A.C. 5:70 et seq. empowers the municipal fire official to create fire zones, and sets forth procedures for creating the same, which the Borough of Highlands adopts herein by reference.

11-11.2 Required.

a. The owner or owners of property are hereby required to establish and maintain fire lanes which may have heretofore been required or in the future which may be required by the planning board and/or the board of adjustment of the Borough of Highlands in connection with approval of use, improvement and/or development of property in the Borough of Highlands.

b. With respect to any shopping centers, commercial structure, place of public assembly, multiple dwelling structures and groups, individual parks, office buildings, hotels, motels, schools, condominiums, cooperative housing, nursing homes, homes for the physically or mentally impaired, or any property and structure used for the purposes similar to the aforesaid, the owner or owners of such property or properties upon which any of the aforesaid activities take place for which fire lanes have not heretofore been required and where practicable shall designate areas as fire lanes where such fire lanes shall be required by the bureau of fire prevention for the Borough of Highlands within which such property or activity is located.

11-11.3 Authorization for Private Property.

The Highlands fire official is authorized to designate fire lanes on private property in accordance with N.J.A.C. 5:70 et seq.

11-11.4 Definitions.

As used in this section:

The words "fire lanes" or "fire zones" shall mean a lane or zone no less than ten feet in width nor more than 50 feet in length which runs from public streets or rights-of-way to any improvement or structure and which may also run alongside or abut such improvement or structure. Where strict enforcement of this section may not be practicable, the bureau of fire prevention may allow deviation in the location and establishment of fire lanes.

11-11.5 Marking of Fire Lanes.

Fire lanes shall be striped in yellow letters on paved surfaces and bear the words "fire lane" or "fire zone" and in either event shall also bear the words "no parking or obstruction". Curbs on edges of fire zones shall be painted yellow. The bureau of fire prevention shall provide the owner with a sketch of the required markings and location of any required signs. The said bureau shall require where practicable metal signs setting forth the designation of "fire zones" so as to inform the public of location of fire zones. Said markings shall be legible at all times and shall be maintained by the owner or owners of such property.

11-11.6 Criteria for Establishing Fire Lanes.

In establishing and requiring fire lanes, the bureau of fire prevention shall take into consideration the size, type and location of the building or buildings on the premises regulated, the type of activity or activities, the number of parking spaces which may be required by law, traffic patterns, existing means of ingress and egress, the total area of the premises and area available for fire lanes and such other means of ingress to the structure or structures in the event of fire or other emergency.

11-11.7 Purpose.

The purpose of establishing fire lanes is to allow access to premises and structures in the event of a fire emergency for fire fighting and emergency vehicles and equipment.

11-11.8 Obstruction Prohibited.

No person shall at any time park a vehicle or in any other manner obstruct a driveway or any other area that has been designated as a "fire zone" or "fire lane".

11-11.9 Notice to Establish Fire Lane; Appeals.

a. Upon notice from the bureau of fire prevention an owner or owners of property wherein a fire lane has not heretofore been required shall confer with the fire official or his agent of the bureau of fire prevention in order to establish a fire lane in accordance with this section. After such conference or in the event the owner does not so confer, the said fire official or his agent shall direct the establishment of the fire zone.

b. The fire official or his agent shall give written notice to the owner or owners specifically setting forth the location or dimensions of the required fire zone. Such notice shall be by registered or certified mail, or by hand delivery. The owner or owners may appeal from the requirements of said notice by filing a notice of appeal with the clerk of the Monmouth County Board of Construction Appeals, and said clerk shall schedule a hearing thereon.

c. In the event no such appeal is filed within 14 calendar days of the date of said notice from the supervisor, the owner or owners shall establish the fire zone within 30 days of the date of said notice.

d. In the event an appeal is taken in accordance with the aforesaid to the Monmouth County Board of Construction Appeals and a decision is rendered requiring the establishment of a fire zone, the Monmouth County Board of Construction Appeals shall give written notice of its decision by mailing the same by certified mail/return receipt requested to the owner, and the owner shall, within 30 days of mailing of notice, establish a fire zone as required by the Monmouth County Board of Construction Appeals.

11-11.10 Violations and Penalties.

a. Obstruction of Fire Lane. Any person who shall at any time park a vehicle or in any other manner obstruct a fire zone or fire lane shall be fined one hundred twenty five (\$125.00) dollars. There shall be no court appearance required, unless the said individual wishes to plead not guilty. If the individual chooses to contest this fine, he/she may plead his case in the municipal court of the Borough of Highlands.

b. Failure to Comply. Any owner or owners of property who fail to comply with the terms of this section shall be subject to a fine of up to one hundred fifty (\$150.00) dollars a day, together with court costs, enforceable in the municipal court of the Borough of Highlands.

c. Fees and Expenses. In addition to the aforesaid, any owner or owners in violation of this section shall be subject to such legal and equitable relief as is allowed by law, in which case such owner or owners shall be responsible for the payment of reasonable attorney fees and court costs, together with all other expenses incurred to enforce the provisions of this section.

d. Fines. All remedies and fines provided in this section shall be cumulative and not in exclusion of each other and shall be deposited in the bureau of fire prevention of the Borough of Highlands account.

11-11.11 Enforcement.

The bureau of fire prevention and the police department of the Borough of Highlands are hereby authorized to enforce this section.

11-11.12 Towing of Violations.

The bureau of Fire Prevention and the police department of the Borough of Highlands are hereby authorized to tow and remove motor vehicles and all obstructions from any fire zone and/or fire lane. All such motor vehicles and/or obstructions which are so removed may be stored, and the cost of removal and storage shall be charged to the owner of the vehicle and/or other obstruction, and the charges shall be paid prior to the release of said vehicle or obstruction.

Reasonable steps shall be taken to identify the owner of the vehicle or vehicles or obstruction or obstructions removed, and to give the owner notice as soon as conveniently may be done of the removal and storage of such vehicle or obstruction.

11-12 ELIMINATION OF FIRE HAZARDS.

11-12.1 Duty of Owner to Remove Hazards.

The owner or tenant of any lands lying within the Borough where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or elimination of fire hazards to remove from such lands or dwellings brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris shall within ten (10) days after notice remove the same.

11-12.2 Removal by Borough.

If the owner or tenant refuses or neglects to remove the same within the time provided above, the borough shall provide for the removal of same.

11-12.3 Cost of Removal To Be Lien Against Premises.

If the same is removed by the Borough, such officer shall certify the cost thereof to the Mayor and Council who shall examine the certificate and if found correct shall cause the cost as shown thereon to be charged against the lands or dwellings and the amount so charged shall become a lien upon the lands or dwellings and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands or dwellings and to bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes.

In addition to the provisions set forth above any person who shall violate the terms of this section shall, upon conviction thereof, be subject to punishment by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment not exceeding fifteen (15) days, or both, in the discretion of the court.

11-12.4 Duty of Monmouth County.

For the purpose of this section, the County of Monmouth through any designated official is hereby appointed as an officer of the borough empowered to carry out this section on all county roads and at all intersections with county roads.

11-12.5 Storage of Boats.

All boats which are stored within the borough, either privately or within a marina, are to be stored a minimum of five feet from adjoining property lines.

SECTION VII. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION VIII. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect immediately after final passage.

Motion to Introduce Ordinance 19-05:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL		X	X			

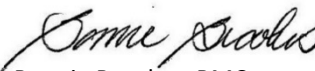
I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held March 6, 2019. WITNESS my hand this 7th day of March 2019.


Bonnie Brookes, RMC
Municipal Clerk

Motion to Adopt Ordinance 19-05:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL	X		X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held March 20, 2019. WITNESS my hand this 22nd day of March 2019.


Bonnie Brookes, RMC
Municipal Clerk

Mayor: 
Richard W. O'Neil

Clerk: 
Bonnie Brookes, RMC