

ORDINANCE O-24-21

ORDINANCE AMENDING CHAPTER 150 “FIRE PREVENTION”, ARTICLE I, “FIRE PREVENTION CODE”, SECTION 3 “ESTABLISHMENT AND DUTIES OF LOCAL ENFORCING AGENCY” PER RECOMMENDATION OF TOWNSHIP BUREAU OF FIRE PREVENTION

WHEREAS, the Township Council has received guidance from the Township Bureau of Fire Prevention (the “Bureau”) recommending updates to Township Fire Prevention Code.; and

WHEREAS, in recent years, changes in the administration of fire prevention duties have led to the development of the Bureau as the Township agency centrally responsible for fire prevention responsibilities; and

WHEREAS, the amendments recommended by the Bureau update the Township Code to reflect changes to the administration of fire prevention duties that have taken place in the Township in recent years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of Howell Township, County of Monmouth, and State of New Jersey, that certain sections of the Township Code be amended as follows (additions to text indicated by bold, italicized, underlined text; deletions to text indicated by bold italicized strikeout.):

SECTION 1. Chapter 139, Article X of the Code of the Township of Howell is hereby amended as follows:

Article I. Fire Prevention Code

§ 150-1. Adoption.

The New Jersey Uniform Fire Code, N.J.A.C. 5:70-1 et seq. and all amendments and supplements thereto is hereby adopted by the Township for the purpose of establishing rules and regulations to improve the safety of the public by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment and the use and occupancy of structures, premises and open areas; providing for the abatement of fire hazards and establishing of standards to achieve the objectives. Rules and regulations set forth in the code shall be and the copies of these standards, rules and regulations are now on file in the office of the Bureau of Fire Prevention and in the office of the Township Clerk.

§ 150-2. Title.

This chapter shall hereafter be cited and designated as the "Fire Prevention Code of the Township of Howell."

§ 150-3. Establishment and duties of local enforcing agency.

A. ~~The Boards of Fire Commissioners, acting jointly, shall enforce~~ Enforcement of this chapter shall be through the Bureau of Fire Prevention of the Township of Howell which is hereby established pursuant to this section and which is hereby designated as the local enforcing agency pursuant to the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1 et seq., and which shall be maintained and operated under the supervision and control of the Township of Howell in the manner prescribed herein.

~~B. The Boards of Fire Commissioners, acting jointly, will serve as a supervisory board on matters relating to the Howell Fire Bureau, including but not limited to recommendations with respect to staffing, policy and procedures, operations, departmental budgeting, perspective purchases and may offer such recommendations as be necessary. The Bureau Chief will meet with the supervisory board on a monthly basis to discuss issues related to inspections and operations.~~

~~C.~~ B. The Bureau of Fire Prevention shall consist of the Chief of the Bureau, designated supervisors, fire inspectors, and necessary support staff, such as clerical and secretarial, to assure proper code enforcement. The Fire Official, supervisors, inspectors, and other employees of the fire bureau agency shall be considered public employees and shall be subject to all existing Howell Township personnel policies and procedures. ~~In accordance with the provision above,~~ Recommendations may be submitted to the Township Manager by the Boards of Fire Commissioners. ~~acting jointly.~~ The Chief of the Bureau shall also be designated the Chief Fire Marshal and as the Fire Official pursuant to the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1 et seq. The fire subcode official shall be appointed pursuant to the New Jersey Uniform Construction Code to enforce the fire protection subcode.

~~D.~~ C. The salary of the Chief of the Bureau, supervisors, the fire inspectors and the other support personnel in the Bureau shall, to the extent permitted by law, be established by the appropriate salary ordinances as adopted by the Township Council.

~~E.~~ D. The minimum qualifications and requirements for the Chief of the Bureau of Fire Prevention, supervisors, fire inspectors and support personnel shall be as follows:

(1) Minimum qualifications of Chief of Fire Bureau. The qualifications of the Chief of the Bureau of Fire Prevention shall be as follows:

- (a) Certified Fire Official pursuant to the provisions of the Uniform Fire Code.
- (b) Qualified in the techniques of fire investigation as to cause and origin of fires.
- (c) Qualified in the presentation of the Fire Prevention Program.

(2) Minimum qualifications for inspectors. All fire inspectors shall be certified in fire code enforcement pursuant to the provisions of the Uniform Fire Code.

(3) The Fire Official and all fire inspectors shall meet the certification requirements established by the state regulations (N.J.A.C. 5:71-4.4). Copies of the qualifications, requirements and certifications shall be maintained in the appropriate personnel files of each employee.

F. E. The Bureau shall be charged with the duties of the enforcement of this chapter and such other ordinances, rules and regulations of this municipality that pertain to fire prevention,

protection and control, including but not limited to making reports, inspections, including inspections of life-hazard uses and non-life-hazard uses pursuant to the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.), reviewing plans and issuing of permits; investigation of fire; coordinating fire safety activities of the Howell Police Department and the Township safety officer; inspecting, at least once in each year, all other commercial businesses, industrial plants and similar occupancies for fire hazards not required to be inspected by the New Jersey Uniform Fire Code; establishing and conducting programs for the promotion of fire safety and prevention education training and practices; maintaining an appropriate record system and performing such related duties as may be assigned. **The Chief of the Bureau may in their discretion call upon Township entities such as the Office of Emergency Management to assist with fire safety duties or in responding to fire emergency calls.**

G. F. The Chief of the Bureau of Fire Prevention shall be required to report to the Township Manager regularly regarding the operation of the Bureau and issue monthly reports to the Township Council ~~and Boards of Fire Commissioners, acting jointly~~, and to the Township Manager with respect to the activities of the Bureau of Fire Prevention and shall from time to time make recommendations for appropriate amendments to the ordinances and other rules and regulations of the Township relating to fire protection.

G. Whenever the Chief of the Bureau determines that Bureau personnel are necessary for fire watch or fire safety stand-by duties (as defined in § 139-18) at any occupancy or event within the designated jurisdictional boundaries of the Bureau:

- A. The owner or party responsible for said event shall obtain a permit for the use or event as outlined in N.J.A.C. 5:70-2.7.**
- B. The Chief of the Bureau shall determine the number of inspector(s) and or fire suppression personnel required.**
- C. The Chief of the Bureau shall determine the hours that the fire inspector(s) and/ or fire suppression personnel will be on duty.**
- D. The Chief of the Bureau or designee(s) shall have the right of access to the premises and area surrounding it without interference from the property owner.**
- E. Any occupancy or event requiring fire apparatus and firefighting personnel on site to ensure the safety of the public and/ or other occupants, and or/ to ensure the safety of any building and/or exposures shall reimburse the appropriate fire district.**
- F. Activities requiring involvement of Bureau staff in relation to fire watch or fire safety stand-by duties shall be subject to fees as set forth in § 139-19 of this Code.**

§ 150-4. Fees.

A. The Division of Fire Safety in the Department of Community Affairs of the State of New Jersey is hereby designated as the agency for the collection of the annual registration fees associated with life-hazard uses as set forth in the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1.

B. For the issuance of the permits as described in the Uniform Fire Code (N.J.A.C. 5:70-2.7, Permits), fees as set forth in Chapter 139, Fees, shall be collected.

C. The Fire Bureau shall, hereafter, furnish upon request of any person or entity a copy of any official fire report or fire investigation report (except those required or permitted under law to be

excluded from public inspection "confidential files") after fees as set forth in Chapter **139**, Fees, payable to the Howell Fire Bureau, have been paid by the requesting party.

D. Inspection fees for non-life-hazard use/occupancy fire prevention inspections shall be as set forth in Chapter **139**, Fees.

§ 150-5. Appeals.

Whenever the Chief of the Bureau shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted or whenever the applicant shall claim that failure to grant the permit sought would result in hardship to the applicant, the applicant may appeal from the decision of the Chief of the Bureau to the Monmouth County Construction Board of Appeals, as set forth under the New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-2.~~119~~.

§ 150-6. (Reserved)

§ 150-7. Violations and penalties.

Any person or persons, firm, partnership or corporation violating any of the provisions of this chapter, other than for violation of fire zone regulations as hereinafter set forth, shall be liable to the penalties and other relief set forth in N.J.A.C. 5:70-2.12 of the New Jersey Uniform Fire Safety Code.

SECTION 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect upon passage, publication and as required by law.

SECTION 5. A copy of this Ordinance shall be provided to the Township Manager, the Chief of the Bureau of Fire Prevention, the Township Attorney, and to representatives of the New Jersey Department of Community Affairs.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Howell held on the **11th day of June, 2024**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **25th day of June, 2024, at 7:00 p.m.**, at the Township Municipal Building, located at 4567 Route 9 North, Howell, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Fischer		X	X			
Councilman Gasior	X		X			
Councilwoman O'Donnell			X			
Deputy Mayor Nadel						X
Mayor Berger			X			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held June 11, 2024. WITNESS my hand this 12th day of June 2024.

Diane Festino

DIANE FESTINO, RMC
Municipal Clerk
Township of Howell

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Fischer		X	X			
Councilman Gasior	X		X			
Councilwoman O'Donnell			X			
Deputy Mayor Nadel			X			
Mayor Berger						X

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on June 25, 2024.

Diane Festino

DIANE FESTINO, RMC
Municipal Clerk
Township of Howell

Explanatory Statement: The Amendments Recommended by the Bureau Update the Township Code to Reflect Changes to the Administration of Fire Prevention Duties That Have Taken Place in the Township in Recent Years.