

ORDINANCE O-24-22

ORDINANCE AMENDING CHAPTER 139 “FEES”, ARTICLE X, “FIRE SERVICE”, SECTIONS 17, 18, AND 19 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 the treatment in the Township Code to items relating to fire service to make clear the Bureau is the local enforcing agency for purposes of carrying out the Township’s requirements for fire code enforcement as specified in N.J.A.C. 5:71-1.1 et seq.; and

WHEREAS, the Bureau recommends additional changes to portions of the Township Code relating to fire service to clarify procedural requirements that are in keeping with State requirements under the Uniform Fire Code pursuant to N.J.A.C. 5:70-1.1 et seq.; and

WHEREAS, pursuant to N.J.A.C. 5:71-2.3(b)(4), municipal governing bodies are granted the power to create any locally desired fire code or permit requirements, provided that such requirements exceed those contained in the State Uniform Fire Code; and

WHEREAS, the proposed amendments to the Township Code made by the Bureau exceed those contained in the State Uniform Fire Code.

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:

Chapter 139. Fees

Article X. Fire Service

§ 139-17. Purpose.

The purpose of this article is to provide for reimbursement for the expenses incurred by the ***Township of Howell***, Howell Township Fire Districts and Howell Township Volunteer Fire Companies/Departments and all persons rendering both volunteer and non-volunteer services for non-fire-related assignments and suppression costs pursuant to the State Fire Code at N.J.A.C. 5:70-2.13.

§ 139-18. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FIRE SUPPRESSION COSTS

Those costs as defined at N.J.A.C. 5:70-2.13, Fire Department Costs, of the New Jersey State Fire Code. It is the cost incurred by the Township of Howell, fire district and/or fire companies/departments in the suppression of any fire in a building under violation where the fire's cause is, directly or indirectly, a result of the violation. To create an obligation, the violation need not have been the initial cause of the fire.

HOWELL TOWNSHIP FIRE DISTRICTS (BOARD OF FIRE COMMISSIONERS)

The five fire districts established within the boundaries of Howell Township by Township ordinance pursuant to N.J.S.A. 40A:14-70 et seq. These fire districts are as follows:

- A. Board of Fire Commissioners Fire District #1, Squankum.
- B. Board of Fire Commissioners Fire District #2, Adelpia.
- C. Board of Fire Commissioners Fire District #3, Southard.
- D. Board of Fire Commissioners Fire District #4, Ramtown.
- E. Board of Fire Commissioners Fire District #5, Freewood Acres.

THE HOWELL TOWNSHIP VOLUNTEER/PAID FIRE COMPANIES/DEPARTMENTS

The five fire companies/departments duly incorporated within the boundaries of Howell Township. These fire companies/departments are as follows:

- A. Squankum Volunteer Fire Company #1.
- B. Howell Township Fire Company #1, T/A Adelpia Fire Company.
- C. Southard Fire Department #1.
- D. Ramtown-Howell Fire Company #2.
- E. Freewood Acres Fire Company #1.

TOWNSHIP OF HOWELL

Pursuant to section 150-3, the Howell Township Bureau of Fire Prevention shall be designated as the local enforcing agency on behalf of the Township of Howell.

FIRE WATCH AND FIRE DEPARTMENT FIRE SAFETY STAND-BY

Fire safety personnel deemed by the Chief of the Fire Bureau as necessary for fire watch or fire safety stand-by as a result of fire protection system failure or deficiencies at any occupancy or event within the designated jurisdictional boundaries of the local enforcing agency to ensure the safety of the public or emergency responders.

NON-FIRE-RELATED ASSIGNMENTS

Those assignments which do not involve any fire activity and/or immediate potential for a fire. Such activities include, but are not limited to:

- A. Dewatering assignments (pump out basements, etc.).
- B. Watering assignments (pool fills, cooling of equipment, wetting down fields, roadways and water supply emergencies).
- C. Lockouts, animal problems (cat in tree, dog in pipe).
- D. Speed-dry assignments (nonflammable liquids).
- E. Lighting assignments (nonemergency).
- F. Similar type assignments.

§ 139-19. Costs.

The costs incurred for both non-fire-related assignments and suppression costs shall include, but not be limited to, costs of labor, equipment and materials used in the fulfillment of the assignment, as well as any other actual expenses incurred. Rates for service shall be as follows. These rates are based on per hour or fraction thereof.

- A. For each ladder and/or aerial truck: \$175 per hour.
- B. For each tanker and/or pumper: \$150 per hour.
- C. For each lighting truck and/or rescue vehicle: \$100 per hour.
- D. For each special use emergency vehicle: \$75 per hour.
- E. For each support vehicle used for transport of assigned personnel: \$50.00 flat rate per vehicle. An hourly rate shall be calculated if vehicle is incorporated as part of stand-by operations.**

~~E.~~ F. For each hour of time rendered by a fire service member: ~~\$3040~~ per hour.

G. Per § 150-3(E), in the event the Bureau deems assistance from the Office of Emergency Management or other relevant Township agencies is necessary to respond to fire-related events, the Bureau reserves the right to subject responsible parties to fees in relation to services provided by other Township agencies in response to fire-related events.

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			
Councilman Gasior		X	X			
Councilwoman O'Donnell	X		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			
Councilman Gasior	X		X			
Councilwoman O'Donnell		X	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: Amending Chapter 139 Fees to Clarify Procedural Requirements that are in Keeping with State Requirements under the Uniform Fire Code.