

**ORDINANCE NO. 12-23 AN ORDINANCE AMENDING ARTICLE V
“DEPARTMENTS, BOARDS AND COMMISSIONS” OF
CHAPTER 4 “ADMINISTRATIVE ORGANIZATION”,
AND CHAPTER 123 “FIRE PREVENTION” OF THE
BOROUGH OF KINNELON CODE**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon (“Borough”) desires to amend Article V “Departments, Boards and Commissions” of Chapter 4 “Administrative Organization”, and various provisions within Chapter 123 “Fire Prevention” of its municipal code, to more clearly set forth the organization of its Bureau of Fire Prevention and the appointment and term lengths of officials and officers therein.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. Paragraph D within Section 4-40 of Article V “Departments, Boards and Commissions” of Chapter 4 “Administrative Organization” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“D. Bureau of Fire Prevention. A Bureau of Fire Prevention has been established in the Borough of Kinnelon. The Bureau shall be under the direct supervision of the Borough Fire Official, who shall be appointed by the Mayor with the advice and consent of the Borough Council, for a term of three years.”

SECTION 2. Paragraph B within Section 123-1 “Establishment; control” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“B. The Bureau of Fire Prevention shall be under the administrative control of the Mayor and Council of the Borough of Kinnelon, through the Public Safety Committee thereof, and shall be under the direct supervision of the Fire Official of the Borough of Kinnelon. The Bureau of Fire Prevention shall be subject to the rules and regulations of the Mayor and Council of the Borough of Kinnelon, N.J.S.A. 52:27D-192 et al., and all applicable rules and regulations of the State of New Jersey.”

SECTION 3. Section 123-2 “Membership” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended such that Paragraph C therein is deleted in its entirety and Paragraph B therein now reads as follows:

“B. Up to three (3) Fire Inspectors.”

SECTION 4. Section 123-3 “Nomination of members” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby repealed in its entirety and replaced with the following, and now reads as follows:

§ 123-3 Nomination and Appointment of members.

A. The Fire Official shall be appointed by the Mayor with the advice and consent of the Council and must be certified by the New Jersey Commissioner of Community Affairs.

B. The Fire Official may recommend Fire Inspectors to serve on the Bureau of Fire Prevention, but such Inspectors shall be appointed by the Mayor with the advice and consent of the Council.

C. Each Fire Inspector must be certified by the New Jersey Commissioner of Community Affairs and such certification must be provided to the Kinnelon Borough Clerk by the Fire Official.

SECTION 5. Paragraphs A and B within Section 123-4 “Terms of office” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon are hereby amended, and now read as follows:

“A. As soon as practicable, following the enactment of this article, the Fire Official shall be nominated and appointed for a term of three years. Fire Inspectors shall be appointed for a term of one year.

B. Each member of the Bureau of Fire Prevention shall hold office until their qualified successor shall have been appointed. Each member of the Bureau of Fire Prevention shall be eligible for reappointment thereto, subject to their complying with the qualifications as required for a Fire Inspector.”

SECTION 6. Section 123-5 “Vacancies” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby repealed in its entirety and replaced with the following, and now reads as follows:

“If a member of the Bureau of Fire Prevention shall cease to meet the qualifications for a Fire Inspector, as determined by the Fire Official in accordance with New Jersey state guidelines, said individual shall thereupon cease to be a member of the Bureau of Fire Prevention, a vacancy therein shall be deemed to exist. A vacancy in the membership of the Bureau shall be filled in the same manner as the original appointment, but the appointment to fill the vacancy shall be only for the unexpired term then remaining.”

SECTION 7. Section 123-6 “Oath of office” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“The Fire Official and all Fire Inspectors shall, before assuming his/her duties in each term to which they are appointed, execute an oath of office before the Municipal Clerk of the Borough of Kinnelon.”

SECTION 8. Paragraphs A, B, C and D within Section 123-7 “Officers; inspectors” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon are hereby amended, and now read as follows:

“A. The Fire Official shall be Chairman of the Bureau of Fire Prevention. In the absence or disability of the Fire Official or whenever he/she is unable to act for any reason, the duties of the Fire Official shall devolve upon a Chief Inspector, to be elected by the members of the Bureau from the ranks of the members of the Bureau. This determination shall be made yearly at the first organizational meeting. Vacancies or removals of the Chief Inspector by a majority

vote of the members of the Bureau shall be filled in the same manner as the original appointment.

B. The Fire Official and/or the Fire Official's designee on the Bureau of Fire Prevention shall be responsible for the duties associated with the maintenance of accurate records, collecting fees and performing all recordkeeping and general functions, as required by the Bureau of Fire Prevention through the Uniform Fire Code and the Uniform Fire Safety Act.

C. The Fire Inspectors shall faithfully comply with the requirements of the Uniform Fire Safety Act and Uniform Fire Code, as well as state statutes and Borough Ordinances.

D. Each member of the Bureau of Fire Prevention is hereby empowered to perform the duties of Fire Inspector and, in the absence of both the Fire Official and the Chief Inspector, the duties of Fire Official. In the absence of both the Fire Official and the Chief Inspector, a majority vote will permit a regular member to fill in for the required meeting or function.”

SECTION 9. Paragraph E within Section 123-8 “Duties of members” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“E. The erection, maintenance and regulation of fire escapes or other means of emergency egress.”

SECTION 10. Paragraph B within Section 123-9 “Meetings” of Chapter 123 “Fire Prevention of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“B. The Fire Official or the Fire Official's designee shall keep an accurate record of the proceedings of all meetings of the Bureau of Fire Prevention.”

SECTION 11. Paragraphs B and C within Section 123-13 “Duties” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon are hereby amended, and now read as follows:

“B. The local enforcing agency shall be under the direct supervision of the Fire Official, who shall be appointed as set forth in §123-3 and who may also be the individual who is the Fire Sub-code Official of the Borough.

C. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed as set forth in §123-3.”

SECTION 12. The introductory paragraph of Section 123-14 “Life-hazard uses” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“The local enforcing agency established by §123-12 of this article shall carry out the periodic inspections of life-hazard uses required by the New Jersey Uniform Fire Code on behalf of the New Jersey Commissioner of Community Affairs.”

SECTION 13. Section 123-15 “Board of Appeals” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“A person aggrieved by any ruling, action, order or notice of the local enforcing agency pursuant to this article and N.J.S.A. 52:27D-192 et seq. may, within 15 days after the receipt of such ruling, action, order or notice, file an appeal to request a hearing before the Morris County Construction Board of Appeals”

SECTION 14. Section 123-16 “Modifications of provisions” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon are hereby repealed in its entirety.

SECTION 15. Paragraph B within Section 123-19 “Inspection fee for non-life hazard uses” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

“B. The annual registration fee for each non-life-hazard use shall be \$75, which shall be paid to the Borough of Kinnelon on or before February 28 of each calendar year. Failure to pay the registration fee by April 1 of the same calendar year shall result in a fine of \$150.”

SECTION 16. Section 123-35 “MSDS Storage cabinets” of Chapter 123 “Fire Prevention” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

§123-35 Safety Data Sheets (SDS) storage cabinets.

Where an activity is being conducted on certain premises within the Borough that under New Jersey law requires the owner or occupant of said premises to maintain on the premises a book containing Safety Data Sheets (SDS) (formerly known as Material Safety Data Sheets or MSDS) information for first-responding, emergency personnel and or all employees, said owner or occupant will be required to install a SDS book cabinet. This cabinet will be installed in an accessible area approved by the Fire Official. It shall contain all updated information for, and be accessible to, all emergency personnel responding to any fire or hazardous materials incident.

SECTION 17 Section 123-36 “Updating keys and MSDS information” of the Code of the Borough of Kinnelon is hereby amended, and now reads as follows:

§123-36 Updating keys and SDS information.

Whenever the contents of a key box or SDS storage cabinet must be updated, it shall be the responsibility of the owner or occupant of the building or structure to notify the Bureau of Fire Prevention. The Fire Official or their designate, within 24 hours of such notice, will meet with said owner or occupant in order to open the key box or SDS storage cabinet so it may be updated. If the Bureau of Fire Prevention is not notified of a change requiring an update of keys or SDS information, the Fire Official may assess a fine of \$100 for each such occurrence. Such changes include, but are not limited to, change of occupant, sale of building or structure, change of security locks and system, added storage and new material being stored or processed on the premises.

SECTION 18. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 19. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, RMC, Borough Clerk

James J. Freda, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on June 15, 2023 and adopted by the Governing Body at a regular meeting of the Borough held on July 20, 2023.

Karen M. Iuele, RMC, Borough Clerk

LEGAL NOTICE

BOROUGH OF KINNELON, MORRIS COUNTY

ORDINANCE NO. _____

Notice is hereby given that an Ordinance entitled “An Ordinance Amending Article V ‘Departments, Boards and Commissions’ of Chapter 4 “Administrative Organization”, and Chapter 123 “Fire Prevention” of the Borough of Kinnelon Code” was submitted in writing at a regular meeting of the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey, held on _____, 2023 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The governing body of the Borough of Kinnelon will further consider the ordinance for second reading and final passage thereof at their regular meeting to be held on _____, 2023 at 8:00 p.m. prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the governing body and all parties in interest and citizens shall have an opportunity to be heard concerning said ordinance.

STATEMENT OF PURPOSE OF ORDINANCE

The purpose of the above Ordinance is to more clearly set forth the organization of the Borough of Kinnelon's Bureau of Fire Prevention and the appointment and term lengths of various officials and officers therein.

A copy of the full Ordinance is available to any member of the general public without cost, at the Borough of Kinnelon Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, at the Office of the Borough Clerk, between the hours of 9:00 a.m. and 3:00 p.m.

Karen M. Iuele, RMC, Borough Clerk
Borough of Kinnelon
County of Morris, State of New Jersey