

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2024-2

AN ORDINANCE AMENDING THE CODE OF MANSFIELD TOWNSHIP, TO REPEAL AND REPLACE CHAPTER 21A, "FIRE PREVENTION", INCLUDING ARTICLE I ENFORCEMENT OF UNIFORM FIRE CODE AND ARTICLE II "SENIOR FIRE INSPECTOR"

NOW THEREFORE BE IT ORDANINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

SECTION ONE: Chapter 21A of the Code of Mansfield Township, "Fire Prevention", including Article I, "Enforcement of Uniform Fire Code" and Article II "Senior Fire Inspector" is hereby repealed and replaced with a new Chapter 21 attached hereto and expressly incorporated in this Ordinance.

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

ROLL CALL:

MOTION: BOYD SECOND: JENNINGS
AYE: BOYD, JENNINGS, STOBIE, SISZ, MOJENA
NAY: NONE ABSENT: NONE

I, ASHLEY E. JOLLY, RMC, CMR, Municipal Clerk of Mansfield Township, County of Burlington, State of New Jersey do hereby certify the foregoing to be a true and accurate copy of the Ordinance which was introduced by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey on January 17, 2024 and was finally adopted after the public hearing, by the Township Committee, at their regular meeting held on February 21, 2024.

Introduced: 1/17/2024
Adopted: 2/21/2024



Ashley E. Jolly, RMC, CMR
Municipal Clerk

<u>Use Group</u>	<u>Old Fee</u>	<u>Proposed Fee</u>
<u>Business</u>		
B-1	\$30	\$65
B-2	\$50	\$80
B-3	\$100	\$100
B-4	\$200	\$170
B-5	\$400	\$380
B-6	N/A	\$520
B-7	N/A	\$730
B-8	N/A	\$450
Business Common Area (BCA)	N/A	\$65
<u>Mercantile</u>		
M-1	\$50	\$85
M-2	\$100	\$100
M-3	\$150	\$170
Mercantile Common Area (MCA)	N/A	\$65
<u>Factories</u>		
F-1	\$75	\$425
F-2	\$100	N/A
<u>Storage Facility</u>		
S-1	\$50	\$240
S-2	\$100	\$280
S-3	N/A	\$350
<u>Utilities</u>		
U-1	\$25	\$100
U-2	\$50	\$200
<u>Residential</u>		
Residential 1-2 Family Non-Owner Occupied See Chapter 39D		
R-1, 3-5 Units	Same as Smoke Cert.	\$50
R-2, 6-25 Units	\$35	\$100
R-3, 26-50 Units	\$50	\$200
R-4, 51-100 Units	\$175	\$600
R-5, Over 100 Units	\$350	\$1,000

Any N/A in the old fees mean that it was not previously in the code and is being added.
Any N/A in the proposed fees was removed from the code.

Chapter 21A

I. ARTICLE I Enforcement of Uniform Fire Code [Adopted 2-9-2000 by Ord. No. 2000-1]

§ 21A-1. Local enforcement of Uniform Fire Safety Act.¹

Pursuant to § 11 of the Uniform Fire Safety Act,² it shall be locally enforced in the Township of Mansfield.

§ 21A-2. Enforcing agency designation.

The local enforcing agency shall be the Township Bureau of Fire Prevention which is hereby created therein. The Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

§ 21A-3. Duties of enforcing agency.

- A. Within the established boundaries of the Township, the local enforcing agency shall enforce the code³ in all buildings, structures and premises other than owner-occupied buildings of less than three dwelling units used exclusively for dwelling purposes and buildings, structures and premises owned or operated by the federal government, interstate agencies or the state.
- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the code.

§ 21A-4. Organization of Bureau of Fire Prevention.

- A. The Bureau of Fire Prevention established by § 21A-2 of this article shall be under the direct supervision and control of a Fire Official who shall report to the Township Committee, represented by the Public Safety Director. [Amended 3-22-2000 by Ord. No. 2000-5]
- B. The Bureau of Fire Prevention shall have at least one paid Fire Official and such paid inspectors as may be necessary to properly enforce the Code.
- C. The governing body shall hereby appoint a temporary Fire Official in the absence of the duly appointed Fire Official.

§ 21A-5. Appointments; qualifications; term of office; removal.

- A. Appointment and qualifications of Fire Official. The Fire Official shall be certified by the state and appointed by the governing body from a list of at least three names submitted by the Chief of the Franklin Fire Company No. 1. The recommended person for the position of Fire Official shall be preferred to be an active member of the Franklin Fire Company No. 1
- B. Appointment and qualifications of inspectors and other employees. Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon the recommendation of the Fire Official. The recommended person for the position of inspector, and employees, shall be preferred to be an active member of the Franklin Fire Company No. 1. All Life-Hazard Use Inspectors shall be certified by the State of New Jersey.
- C. Appointment of legal counsel. The governing body shall specifically appoint legal counsel to assist the agency in enforcing the code.

¹. Editor's Note: See N.J.S.A. 52:27D-192 et seq.

². Editor's Note: See N.J.S.A. 52:27D-202.

³. Editor's Note: The New Jersey Uniform Fire Code; see N.J.A.C. 5:70-1.1 et seq.

- D. Term of office. The Fire Official shall serve for a term of three years. Any vacancy shall be filled for the unexpired term.
- E. 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 office designated by the same.

§ 21A-6. Life-hazard uses.

The Bureau of Fire Prevention established by § 21A-2 of this article shall carry out the periodic inspections of life-hazard uses required by the code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 21A-7. Non-life hazard uses.

- A. In addition to the registrations required by the Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and shall pay an annual fee as set forth below:

[Amended 4-27-2005 by Ord. No. 2005-9]

1. **Business:**

Use Group	Description	Annual Fee
B-1	Business establishments having a gross floor area of 300 square feet or less	\$65
B-2	Business establishments having a gross floor area of 301 square feet to 500 square feet	\$80
B-3	Business establishments having a gross floor area of 501 square feet to 3,500 square feet	\$100
B-4	Business establishments having a gross floor area of 3,501 to 12,000 square feet	\$170
B-5	Business establishments having a gross floor area of 12,001 square feet to 24,000 square feet	\$380
B-6	Business establishments having a gross floor area of 24,001 to 48,000 square feet	\$520
B-7	Business establishments having a gross floor area of 48,001 square feet or greater	\$730
B-8	Business/Multi. Multiple business occupancy shall include all buildings and structures or parts thereof which are used for the purposes that meet the requirements of Use Group B and which comprise a multiplicity of rooms, suites or areas to accommodate multiple business occupancies, not to exceed 30 in number, which are rented from a common owner. The owner, who shall control access to all areas, shall provide basic services as are needed for the tenants to conduct their business, at their option. These services may include but are not limited to clerical, phone answering and message taking, photocopying and reproduction, mail services, security and secretarial and stenographers.	\$450
BCA	Business/Common Area: Business common areas shall include any area or part of the structure, that is shared or not, which supports the functionality of the structure. The common area may include electrical and fire sprinkler and utility service rooms/closets, shared means of egress hallway/stairs, parking areas/fire lanes, business "shell buildings," etc. The intent of the BCA code is to register common areas separately from registered businesses when the common area and associated business are not of the same owner/occupant.	\$65

2. **Mercantile:**

Use Group	Description	Annual Fee
M-1	Mercantile establishments having a gross floor area of 500 square feet or less	\$85
M-2	Mercantile establishments having a gross floor area of more than 501 square feet to 3,500 square feet	\$100
M-3	Mercantile establishments having a gross floor area of more than 3,501 square feet to 12,000 square feet	\$170
MCA	Mercantile/Common Area: Mercantile common areas shall include any area or part of the structure, that is shared or not, which supports the functionality of the structure. The common area may include electrical and fire sprinkler and utility service rooms/closets, shared means of egress hallways/stairs, parking areas/fire lanes, mercantile "shell buildings," etc. The intent of the MCA code is to register common areas when associated mercantile are not of the same owner/occupant.	\$65

This addition MCA allows enforcement of landlord-controlled areas of complex areas. It will help with compliance to register it as its own space.

3. **Factory:**

Use Group	Description	Annual Fee
F-1	Factories having a gross floor area of less than 12,000 square feet	\$425

4. **Storage**

Use Group	Description	Annual Fee
S-1	Buildings used for storage with a gross floor area of less than 2,500 square feet	\$240
S-2	Buildings used for storage with a gross floor area of 2,501 square feet or more, but less than 7,500 square feet	\$280
S-3	Buildings used for storage with a gross floor area of 7,501 square feet or more, but less than 12,000 square feet	\$350

5. **Utility**

Use Group	Description	Annual Fee
U-1	Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy (under 2,500 sqft)	\$100
U-2	Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy (2,500 sqft and over)	\$200

6. **Residential:**

- a. All fees for the category shall be as set forth in the following table.
- b. The following table outlines registration fees based on residential use group.
- c. Each building shall be registered and pay the annual fee.

Local Use Group	Fee
R-A (non-owner-occupied 1 & 2 family)	See Chapter 39D
R-1, 3 to 5 units	\$50
R-2, 6 to 25 units	\$100
R-3, 26 to 50 units	\$200
R-4, 51 to 100 units	\$600
R-5, over 100 units	\$1,000

B. R/A uses shall be inspected and charged a fee upon sale or change of tenant, and shall be registered, inspected and charged a fee in accordance with Chapter 39D of this Code relating to rental inspections. **[Amended 4-27-2005 by Ord. No. 2005-9]**

C. A fee shall be paid to the Fire Official to offset the cost of the inspection and certification. The fee schedule shall be as established in the Regulations promulgated pursuant to Uniform Fire Code by the State of New Jersey. **[Amended 4-27-2005 by Ord. No. 2005-9]**

D. Uses required to register with the state as life hazard uses shall not be required to register under this section.

E. Vacant buildings which create a fire hazard shall be charged and inspected according to the previous use of the building. **[Added 3-22-2000 by Ord. No. 2000-5]**

§ 21A-8. House number compliance and change of occupancy.

A. When inspecting for compliance with the smoke alarm requirements of the Fire Code, the Municipal Fire Official shall also determine if house numbers have been properly placed in compliance with Township Ordinance No. 1991-26.⁴ If so, he or she shall indicate the same in the certificate covering the smoke alarm. In the event that the numbers are nonexistent or not in compliance with the ordinance, the deficiency shall be corrected before the certificate required by this article shall be issued.

B. Whenever an occupancy changes in any building, structure or premises, the Fire Official shall be notified and an inspection shall occur. This notice shall occur within 10 days of the change of occupancy.

C. A fee shall be paid to the Fire Official to offset the cost of the inspection and certification. The fee schedule shall be as follows, but never less than set forth in N.J.A.C 5:70 – 2.9:

When Request Received	Fee
11 days or more prior to settlement date	\$45
4 to 10 days prior to settlement date	\$90
With notice of less than 4 days	\$161

D. A fee shall be paid to the Fire Official to offset the costs of any reinspection required as a result of failures occurring at the time of the initial inspection. The fee for a reinspection shall equal the fee charged for the initial inspection. **[Added 4-27-2005 by Ord. No. 2005-9]**

§ 21A-9. Permits. [Added 3-22-2000 by Ord. No. 2000-5]

The application fees for the permits listed in N.J.A.C. 5:70-2.9 shall be as provided by state regulation.

§ 21A-10. Technical amendments. [Added 3-22-2000 by Ord. No. 2000-5]

(Reserved)

⁴ . Editor's Note: See Ch. 25, Property Maintenance, Art. II, Numbering of Buildings.

§ 21A-11. Board of Appeals. [Added 3-22-2000 by Ord. No. 2000-5]

Pursuant to §§ 15 and 17 of the Uniform Fire Safety Act,⁵ any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of Burlington County.

§ 21A-12. Enforcement; violations and penalties. [Added 3-22-2000 by Ord. No. 2000-5; amended 4-27-2005 by Ord. No. 2005-9]

Except as otherwise set forth below, enforcement, violations and penalties shall be as established in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey. For violations of § 21A-8, conviction in first offense shall carry with it a fine of \$100; \$250 for a second offense; and \$500 for the third and each subsequent offense.

ARTICLE II

Senior Fire Inspector [Adopted 5-25-2016 by Ord. No. 2016-6]

§ 21A-13. Establishment; duties; certification; compensation.

There is hereby created within the Township of Mansfield in the Office of Fire Prevention who shall be known as the "Senior Fire Inspector" of Mansfield Township.

- A. Senior Fire Inspector. Fire Inspectors who are licensed by the Department of Community Affairs as Fire Inspector or Fire Official who maintain their certification may be recommended for the rank of Senior Fire Inspector by the Fire Official.
- B. No person shall carry out the duties of the Fire Official or Fire Inspector unless that person is certified pursuant to Section 5:71-4.3 of the Uniform Fire Code. The term "carry out the duties" shall mean and include representing oneself as authorized to carry out inspection of life hazard uses on behalf of the Commissioner, issuing orders pursuant to the Act,⁶ and assessing or imposing any of the penalties provided for by the Act.
- C. No local enforcing agency shall employ any person to enforce the provisions of the Uniform Fire Code at a life hazard use, unless that person shall be certified in accordance with the provisions of the Act.⁷
- D. Compensation. See chapter 42

⁵ Editor's Note: See N.J.S.A. 52:27D-206 and 52:27D-208, respectively.

⁶ Editor's Note: See N.J.S.A. 52:27D-192 et seq.

⁷ Editor's Note: See N.J.S.A. 52:27D-192 et seq.