

ORDINANCE NO. 2024-4

AN ORDINANCE TO AMEND CHAPTER 157 “FIRE PREVENTION” OF THE CODE OF THE BOROUGH OF NETCONG.

BE IT ORDAINED, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 157 of the Revised General Ordinances of the Borough of Netcong, Article I, “Fire Prevention” is hereby amended by the inclusion of new Section 157-8 which shall be entitled “Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance” and shall read, in its entirety, as follows:

§ 157-8 Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance

Certificates Required. Before any one- and two-family or attached single family structure (Use Group R-3, R-4, or R-5), or portion thereof, that is sold, leased, or otherwise made subject to a change of occupancy for residential purposes shall have a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) obtained by the owner prior to said change of occupancy in accordance with N.J.A.C. 5:70-2.3 which evidences compliance with N.J.A.C. 5:70-4.19.

A. Fire and Life Safety Systems Within Residential Premises. The following requirements shall be applicable to and satisfied by applicants for a CSACMAPFEC prior to the issuance of a certificate of compliance.

1. Smoke alarms. Smoke alarms shall be maintained in accordance with NFPA 72, their listing, and manufacturer specifications. Smoke alarms shall be located as specified in N.J.A.C. 5:70-4.19. Smoke alarms located and maintained in accordance with approvals contingent with a certificate of occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

2. Carbon monoxide alarms. Carbon monoxide alarms shall be maintained in accordance with NFPA 720, their listing, and manufacturer specifications. Carbon monoxide alarms shall be located as specified in N.J.A.C. 5:70-4.19. Carbon monoxide alarms located and maintained in accordance with approvals contingent with a certificate of occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

3. Portable fire extinguishers. A portable fire extinguisher shall be installed and maintained in accordance with N.J.A.C. 5:70-4.19(e).

4. Fire alarm systems. Residential premises that contain installed fire alarm systems as defined in the Uniform Construction Code may be required to submit

documentation of testing and maintenance evidencing that the system is maintained in good working order prior to the issuance of a CSACMAPFEC. The Fire Official and his/her designee shall assure such documentation meets or exceeds the criteria contained within NFPA 72. Fire alarm systems may only be substituted for requirements of N.J.A.C. 5:70-4.19 when installed in accordance with the State Uniform Construction Code Act and when received a proper certificate of approval or been installed prior to the receipt of a certificate of occupancy.

- B. Certificate of Compliance.** In the case of a change of occupancy of any Use Group R-3, R-4, or R-5 building or portion thereof subject to the requirements of Subsection 157-8A of this section, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining a certificate evidencing compliance with this section. Where a certificate of occupancy is required under the land development chapter or other General Ordinances of the Borough, it shall not be issued prior to the time the owner obtains the certificate of compliance.
- C. Inspections.** The Fire Official of the Bureau of Fire Prevention and duly appointed Inspectors are hereby empowered to conduct the necessary inspections and to issue certificates of compliance as contemplated herein.
- D. Fees.** A fee of \$65 shall be paid by the owner prior to each inspection provided the inspection is requested at least ten (10) days prior to the change of occupancy or ownership. If the inspection is requested within 10 days of the change of occupancy or ownership, a fee of \$125 shall be paid. If the inspection is requested within four days of the change of occupancy or ownership, a fee of \$150 shall be paid.

SECTION 2. Chapter 157 of the Revised General Ordinances of the Borough of Netcong, "Fire Prevention", Section 157-10, "Enforcement, Violations, and Penalties" is hereby amended to read, in its entirety, as follows:

§ 157-10 Enforcement; violations and penalties.

- A. Authority to enforce.** The Netcong Borough Bureau of Fire Prevention shall be the enforcing agency of this chapter.
- B. Violations.** Each violation shall constitute a separate and distinct offense independent of the violation of any other section. Each day of violation shall constitute an additional, separate, and distinct offense.
- C. Penalties.** Penalties will be enforced as per N.J.A.C. 5:70-2 unless otherwise noted below.

(1) Violation of § 157-3, Non-life-hazard use inspection fees. Any person violating

any of the provisions of this section shall, for each offense, be subject to a fine of double the amount of the applicable non-life-hazard use inspection fee.

(2) Violation of § 157-6, Fire alarm systems. Any person violating any provisions of § 157-13B and C shall, for each offense, be subject to a fine of not less than \$1,000. Any person violating any of the provisions of § 157-13D shall, for each offense, be subject to a fine of not less than \$100.

(3) Violation of § 157-7, Open burning . Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than \$1,000.

(4) Violation of § 157-8, Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance. Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than \$500.

D. Appeals. Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal within 15 days to the Construction Board of Appeals of the County of Morris.

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION 5. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 6. This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 8th day of February, 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 14th date of March 2024 at 7:30 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 persons and citizens in interest shall have an opportunity to be heard concerning same.

ATTEST:

Cynthia Eckert, Borough Clerk

By: _____
Elmer Still, Mayor