

**ORDINANCE 23-25
BOROUGH OF POMPTON LAKES**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18,
“FIRE PREVENTION” OF THE MUNICIPAL CODE OF THE
BOROUGH OF POMPTON LAKES**

WHEREAS, The Mayor and Council of the Borough of Pompton Lakes (the “Borough”), are committed to safeguarding the public health, safety and well-being of the citizens and visitors of the Borough by ensuring the Borough is compliant with the most current rules and regulations; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, 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 Federal Government, as it may deem necessary and proper for the good of 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

THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, State of New Jersey, being the governing body thereof, that Chapter 18 “Fire Prevention”.

Section 1. RECITALS. The foregoing whereas clause is incorporated herein by reference and made a part hereof.

Section 2. Chapter 18, “Fire Prevention,” shall be amended to include the following supplemental code requirements:

Note: Additions are shown in **bold and underline** and deletions are shown as ~~strikethrough~~.

§ 18-1. LOCAL ENFORCEMENT. [1983 Code § 101-1; Ord. No. 2014-23; Ord. No. 2018-15]

Pursuant to the Uniform Fire Safety Act (P.L. 1983, c. 383) the New Jersey Fire Code shall be locally enforced in the Borough. Further, the International Fire Code (IFC) New Jersey Edition, as then current, shall be locally enforced in the Borough.

§ 18-2. AGENCY DESIGNATION. [1983 Code § 101-2; Ord. No. 2014-23]

The Borough Fire Department is authorized to enforce the provisions of this article as the enforcing agency. Notwithstanding, nothing herein shall prevent the Borough Police Department from enforcement of the provisions of this article as same may concern the public health, safety and welfare.

§ 18-3. DUTIES OF THE AGENCY. [1983 Code § 101-3; Ord. No. 2014-23]

The Borough Fire Department shall enforce the New Jersey Uniform Fire Code and the IFC as set forth above and the codes and regulations adopted under them in all buildings, structures and premises within the Borough of Pompton Lakes other than owner occupied one- and two-family dwellings and shall comply with all of the requirements of the Uniform Fire Safety Act, the Uniform Fire Code and the IFC.

§ 18-4. LIFE HAZARD USES. [1983 Code § 101-4; Ord. No. 2014-23; Ord. No. 2017-23]

The Borough Fire Prevention Bureau shall carry out the periodic inspections of life hazard uses required by applicable law on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 18-5. ORGANIZATION OF AGENCY. [1983 Code § 101-5; New]

There is hereby established within the Fire Department, a Fire Prevention Bureau, which shall be part of the Fire Department and which shall be directly answerable to and under the overall responsibility of the Fire Chief.

§ 18-6. APPOINTMENTS; TERMS OF OFFICE; REMOVAL. [1983 Code § 101-6]

A. Appointment of Fire Official. The Fire Prevention Bureau of the Fire Department shall be under the direct supervision of the Fire Official, who shall be appointed by the Mayor and Council of

the Borough of Pompton Lakes pursuant to Title 11A, Civil Service, of the New Jersey Revised Statutes. No appointment shall be made until the Mayor and Council shall be in receipt of a recommendation and review of the qualifications of the appointee by the Fire Chief. The salary of the Fire Official shall be established pursuant to the Salary Ordinance of the Borough of Pompton Lakes, as amended.

- B. Term of office. The Fire Official shall serve during good behavior and shall be removed from office during the term of appointment only for good cause shown and only after having been offered a hearing upon any charges before the governing body.
- C. Inspectors and employees. Such other inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor and Council pursuant to Title 11A, Civil Service, of the New Jersey Revised Statutes. Prior to such appointment, the Mayor and Council shall be in receipt of a review and recommendation with respect to said appointee by the Fire Chief. Such inspectors and other employees shall be under the supervision and control of the Fire Official.
- D. Removal. Inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor and Council for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

§ 18-7. BOARD OF APPEALS. [1983 Code § 101-7; Ord. No. 2014-23]

Pursuant to the provisions of the Uniform Fire Safety Act and any other applicable law or regulation, any person aggrieved by an order of the local enforcement agency shall have a right of appeal to the Passaic County Construction Board of Appeals.

§ 18-8. ADDITIONAL REQUIRED INSPECTIONS AND FEES. [1983 Code § 101-8; New; Ord. No. 2017-16 § 4]

- A. In addition to the inspection and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections and fees shall be required:
 - 1. All buildings, structures and premises, except single-family and two-family dwellings occupied by the holder of the title to the property and dwelling units within two-family and multifamily dwelling, other than life hazard uses, shall be inspected in accordance with the procedures and rules and regulations established pursuant to the Uniform Fire Code and the administrative regulations adopted thereunder by the New Jersey Department of Community Affairs.
 - 1a. Inspection of residential and nonresidential premises whenever a change in tenancy, use, occupancy or ownership of the premises occurs.**
 - 2. The inspections and fees herein established shall apply to owners, lessees and sub-lessees.
 - 3. The registration fee shall be \$75 per year or part thereof, **per billing unit. A billing unit is defined as the following:**
 - a. A single business at a single building, structure or premise.**
 - b. For multiple buildings on a premise, each building is a billing unit.**
 - c. For buildings with multiple floors, each floor is a billing unit.**

B. All fees shall be payable to the Borough of Pompton Lakes.

C. The application fee for certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected. The fee schedule for requests received more than 10 business days, four to 10 business days and fewer than four business days will be established by the Uniform Fire Code and shall be the fees established for collection in the Borough of Pompton Lakes.

§ 18-9. COLLECTION OF FEES AND PENALTIES. [1983 Code § 101-9]

- A. The local enforcing agency shall annually bill for and take such steps as may be necessary, **including assessing penalties per the Uniform Fire Code N.J.A.C. 5-70-2.12,** to collect the annual registration fee and remit the same to the Borough Treasurer within 48 hours of receipt.
- B. The local enforcing agency shall collect all other fees, ~~and~~ **including for** permits **and take**

such steps as may be necessary, such as above, and remit the same within 48 hours of collection to the Borough Treasurer.

§ 18-10. PERMIT FEES. [1983 Code § 101-10]

The permit fees established by the Uniform Fire Code shall be the fees established for collection in the Borough of Pompton Lakes.

§ 18-11. ALTERING OR MODIFYING SMOKE OR CARBON MONOXIDE DETECTORS PROHIBITED. [Ord. No. 2017-16 § 2]

The owners or operators of real property are prohibited from altering or modifying Smoke Detector Systems or Carbon Monoxide Detector Systems installed in the property and are required to operate and maintain such systems in accordance with the approvals obtained from the Construction Department at the time the systems were approved and installed, unless the owner or operator obtains a written waiver from the Construction Department authoring an alteration or modification which does not comply with the original approvals.

§ 18-12. through § 18-19. (RESERVED)

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

Section 3. This Ordinance shall take effect upon final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 14th day of June, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 28th day of June, 2023, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

APPROVED:

MICHAEL SERRA, MAYOR

ATTEST:

**ELIZABETH BRANDSNESS, RMC
MUNICIPAL CLERK**