

**BOROUGH OF SADDLE RIVER
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE NO. 23-1062

**AN ORDINANCE TO AMEND CHAPTER 113 OF THE CODE OF THE
BOROUGH OF SADDLE RIVER, COUNTY OF BERGEN AND STATE
OF NEW JERSEY RELATING TO FIRE PREVENTION**

1. BE IT ORDAINED, by the Mayor and Council of the Borough of Saddle River, that Chapter 113 of the Borough Code be amended as follows:

Chapter 113 Fire Prevention

[HISTORY: Adopted by the Mayor and Council of the Borough of Saddle River as indicated in article histories. Amendments noted where applicable.]

Article I General Provisions

[Adopted 8-12-1985 by Ord. No. 418-C]

§ 113-1 Local enforcement of Uniform Code.

[Amended 4-19-1999 by Ord. No. 99-678-C; 3-18-2019 by Ord. No. 19-970-C]

The New Jersey Fire Code shall be locally enforced in the Borough of Saddle River by the Fire Prevention Bureau, which is hereby created and established in the Borough of Saddle River and which shall be operated under the supervision of the Borough Administrator.

§ 113-2 Duties of Bureau.

The Fire Prevention Bureau shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Saddle River, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 113-3 Inspection of life hazard uses.

The Fire Prevention Bureau established in § 113-1 of this article shall carry out the periodic inspections of life hazard uses as required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 113-4 Organization of Bureau.

[Amended 4-19-1999 by Ord. No. 99-678-C; 5-19-2008 by Ord. No. 08-816-C; 3-18-2019 by Ord. No. 19-970-C]

- A. The Fire Prevention Bureau established by § **113-1** of this article shall be part of the administrative departments and shall be operated under the direct supervision of the Fire Official, who will report to the Borough Administrator of the Borough of Saddle River.
- B. The Fire Official/Fire Marshal shall be appointed by the Mayor of the Borough of Saddle River, subject to the approval of the Borough Council, and shall be the Fire Official referred to in the Uniform Fire Code. Said Fire Official shall serve for a term of one year and until his successor shall be appointed and qualified.
- C. Such inspectors and other employees as may be necessary in the Fire Prevention Bureau shall be appointed by the Mayor and Council of the Borough of Saddle River. Such employees shall be under the supervision and control of the Fire Official/Fire Marshal.
- D. Inspectors and other employees of the Fire Prevention Bureau 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.

§ 113-5 Inspections and fees; exemptions.

- A. The permit fees established by the Uniform Fire Code shall be in effect in the Borough of Saddle River unless amended or modified by ordinance. In addition to the inspection fees required pursuant to the Uniform Fire Code and the regulations of the Department of Community Affairs, the following additional inspections and fees shall be required:
 - (1) Due to the fact that the Saddle River Fire Department is principally dependent upon existing watercourses and ponds located within the Borough of Saddle River, it shall be unlawful for any property owner within the Borough of Saddle River to cause any pond or other body of water to be drained without first having obtained a permit from the Fire Official/Fire Marshal. Application for such permit shall be made on forms provided by the Saddle River Fire Department, which shall be submitted at least 30 days prior to the time set for draining of such pond or other body of water. Where a fire hazard caused by a lack of sufficient rainfall or a temporary lack of an alternate source of water exists, the Fire Official/Fire Marshal shall have the power to require the owner of property within the Borough of Saddle River to postpone any contemplated work involving the draining of existing ponds or other bodies of water until such time as a fire hazard has been alleviated. The permit, when issued, shall prescribe a definitive time limit within which the work shall be accomplished. Notice of completion of such work shall be given to the Saddle River Fire Prevention Bureau prior to the expiration of such time limit, or an application for an extension of the permit must be filed. The fee for said permit shall be \$5. Failure to obtain said permit shall subject any person, firm or corporation to a fine of not more than \$200 or imprisonment for a term not exceeding 90 days, or both, in the discretion of the Judge of the Municipal Court before whom the matter is heard.
- (
- B. Buildings owned by the Board of Education or operated solely for Board of Education services and buildings owned by the Borough of Saddle River shall be exempt from the fees for inspections required by this article or otherwise imposed by this section.

§ 113-6 Smoke detectors, carbon monoxide detectors, portable fire extinguishers and Address Identification.

[Added 11-18-1991 by Ord. No. 573-C; amended 2-22-1994 by Ord. No. 600-C; 4-16-2007 by Ord. No. 07-808-C; 5-19-2008 by Ord. No. 08-816-C]

A. Installation Required.

In accordance with N.J.A.C. 5:70-4.19, in all Use Group R-3 dwellings subject to the requirements of N.J.A.C. 5:70-2.3, smoke detectors shall be installed as follows:

- (1) On each level of the premises; and
- (2) Outside each separate sleeping area.

B. Smoke detectors, when required, shall be installed in accordance with NFPA 72 listed in N.J.A.C. 5:70-4.19

C. Smoke Detectors may be AC-powered or battery-powered and shall be tested and listed by a product certification agency recognized by the New Jersey Division of Fire Safety. However, AC-powered single- or multiple-station smoke alarms installed as part of the original construction or rehabilitation project shall not be replaced with battery-powered smoke alarms. All detectors must be, at a minimum, equivalent to the system installed at the time of the original construction or renovation project.

D. In accordance with N.J.A.C. 5:70-4.19, in all Use Group R-3 dwellings subject to the requirements of N.J.A.C. 5:70-2.3, carbon monoxide alarms shall be installed in all dwelling units in buildings in one- and two-family or attached single-family dwellings, except for units in buildings that do not contain a fuel-burning device or have an attached garage as follows:

- (1) Single-station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of the sleeping area(s).
- (2) Carbon monoxide alarms may be battery-operated, hard-wired or of the plug-in type and shall be listed and labeled in accordance with UL-2034 and shall be installed in accordance with the requirements of this section and NFPA-720.

E. In accordance with N.J.A.C. 5:70-4.19, in all Use Group R-3 dwellings subject to the requirements of N.J.A.C. 5:70-2.3, a portable fire extinguisher shall be installed in accordance with the following:

- (1) The extinguisher shall be within 10 feet of the kitchen and located in the path of egress;
- (2) The extinguisher shall be readily accessible and not obstructed from view;
- (3) The extinguisher shall be mounted using the manufacturer's hanging bracket so the operating instructions are clearly visible;
- (4) The extinguisher shall be an approved listed and labeled type with a minimum rating of 2A-10B:C and no less than five pounds and no more than 10 pounds;
- (5) The owner's manual or written operation instructions shall be provided during the inspection and left for the new occupant;
- (6) The extinguisher shall be serviced and tagged by a certified Division of Fire Safety contractor within the past 12 months or the seller must have a receipt for a recently purchased extinguisher; and
- (7) The top of the extinguisher shall not be more than five feet above the floor.

- A. Certificate of Compliance. Before any Use Group R-3 structure is sold, leased or otherwise subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke alarm carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) from the Fire Prevention Bureau. No more than one CSACMAPFEC shall be required in any six-month period except in the instance of rental units, which shall require no more than one CSACMAPFEC in a twelve month period.
- (1) The owner or owner's managing agent of premises requiring a certificate as required herein shall make application therefor on forms provided by the Saddle River Fire Prevention Bureau, which application shall be accompanied by the appropriate fee.
- (2) The Fire Prevention Bureau shall inspect the premises for which a certificate has been requested and, upon a finding that the premises satisfies the requirements of this article, issue a certificate within twenty (20) business days of the receipt of a completed application, fee and inspection.
- B. Address Identification. It shall be the duty and responsibility of owners and occupants to ensure that all premises (residential dwellings, homes, commercial properties and construction sites) have adequate street number identifications. This shall be clearly visible from the street at all times and clear from all obstructions.
- C. In accordance with the provisions of N.J.A.C. 5:70-4.3, the requirements of N.J.A.C. 5:18-4.19 shall apply to all Use Group R-3 structures regardless of their state of compliance with the Uniform Construction Code or any other code.
- D. Nothing herein shall be deemed to prevent the Fire Official from making a finding of imminent hazard pursuant to N.J.A.C. 5:70-2.14 or the Construction Official from making a finding of an unsafe building pursuant to N.J.A.C. 5:23-2.23 and requiring correction of such hazard or unsafe condition in accordance with these regulations.
- E. The local enforcing agency has the right to deny the certificate if any other provisions of this chapter or any other chapter of the Code of the Borough of Saddle River is not met.
- F. Sellers, transferors, lessors, buyers, transferees and tenants of all dwelling units subject to this Article shall be responsible for the correct installation and maintenance of smoke detectors as described herein.
- G. The owner of a rental unit shall, at the time of installation of smoke detectors and thereafter at the commencement of each tenancy, provide to the tenant at least one copy of written instructions on the operation, maintenance and testing of the smoke detectors, including the replacement of batteries in the battery-operated unit.
- H. Fees. The fee for an inspection by the Fire Prevention Bureau for a certificate of smoke alarm, carbon monoxide alarm and portable fire extinguisher compliance shall be as follows:

<u>Document</u>	<u>Fee</u>
Inspection	\$200.00
Re-inspection	\$100.00

§ 113-7 Technical amendments.

The respective sections or provisions of the BOCA Basic/National Fire Prevention Code shall be and hereby are amended, supplemented and modified as follows:

(Reserved)

§ 113-8 Violations and penalties.

[Added 2-22-1994 by Ord. No. 600-C]

Violation of the provisions of this article, except as otherwise expressly provided, shall be punishable as provided in Chapter 1, General Provisions, Art. III.

§ 113-8.1 Fire zones, fire hydrants and water holes.

[Added 11-15-1993 by Ord. No. 597-C]

- A. Authorization to establish. The Fire Chief, the Bureau of Fire Prevention and the Police Department of the Borough of Saddle River are hereby authorized to establish fire zones and water holes within the Borough of Saddle River and shall establish rules and regulations with respect to the location, area and all other requirements pertaining to the same.
- B. Obstruction and parking prohibited. All fire zones, fire hydrants and water holes, now in existence or hereafter designated and marked, shall be kept free from all obstructions, parking, standing or stopping of vehicles in fire zones or in front of fire hydrants or areas designated as water holes or where access thereto is prohibited.
- C. Zones to be designated and marked. All fire zones on private property shall be designated, marked and maintained by the owners of the premises in accordance with the rules and regulations established therefor by the Fire Chief and the Bureau of Fire Prevention of the Fire Department of the Borough of Saddle River.
- D. Violations and penalties; removal of vehicles.
 - (1) Any unoccupied vehicle parked or standing in violation of this section shall be deemed a nuisance and detrimental to the health, safety and welfare of the residents of the Borough of Saddle River, and any peace officer may provide for the removal of such vehicle, and the owner shall pay the reasonable cost of the removal and storage which may result from such removal before regaining possession of the vehicle.
 - (2) Any person violating any provision of this section, upon conviction thereof, shall be subject to a penalty of up to \$1,000 or 90 days' imprisonment, or both, in the discretion of the court.

Article II

Open Burning and Recreational Fires

[Adopted 2-26-1990 by Ord. No. 535-C]

§113-9 Recreational Burning

- A. Open firepit fires shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- B. Fires in approved containers such as chimeneas and portable firepits shall be permitted, provided that such fires are not less than 15 feet from any structure and devices are used in accordance to manufacturer's instructions.

- C. Open burning and recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher or other approved on-site fire extinguishing equipment such as water barrel, garden hose or water truck, shall be available for immediate utilization.
- D. All provisions of the New Jersey State Fire Code shall be observed.

§ 113-10 Permit required.

[Amended 5-17-2004 by Ord. No. 04-765-C; 5-19-2008 by Ord. No. 08-816-C]

No person or commercial establishment shall cause, suffer or allow or permit the disposal of rubbish, garbage, trade waste (such as building materials), fallen leaves or any other type of plant life by open burning without having first obtained a permit for said open burning from the Fire Official. The issuance of the permit shall be completely within the discretion of the Fire Official, who shall make his decision whether or not to issue said permit after consideration of the Uniform State Fire Code and the rules, regulations and administrative directives issued by the Department of Environmental Protection. The permit shall specifically list the dates, times and duration that open burning may occur.

§ 113-11 Fees.

[Amended 5-17-2004 by Ord. No. 04-765-C]

Prior to the issuance of an open burning permit by the Fire Official, a fee shall be paid in the amount of \$100, made payable to the Borough of Saddle River, for all administrative costs associated with the issuance of said permit and the regulation of the provisions of this article. The fee shall be submitted to the Borough Clerk, together with the written authorization of the Fire Official, who will thereafter issue the open burning permit.

§ 113-12 Violations and penalties.

Any person or commercial establishment who violates any provision of this article shall, upon conviction, pay a fine of \$500 and may, within the discretion of the Municipal Court, be incarcerated within the county jail for a period up to 90 days, for each violation. Failure to exhibit the open burning permit at the time of the open burning will be a presumption of guilt.

§ 113-13 Enforcement.

[Amended 5-19-2008 by Ord. No. 08-816-C]

Enforcement of the provisions of this article may be made by the issuance of a summons by the Fire Prevention Fire Official or any member of the Saddle River Police Department who witnesses open burning without a permit.

Article III

Local Registration Fees

[Adopted 11-21-1994 by Ord. No. 614-C]

§ 113-14 Local registration permits.

[Amended 12-21-2009 by Ord. No. 09-835-C]

- A. The permit fees established by the Uniform Fire Code shall be set by the Department of Community Affairs, Bureau of Fire Safety.
- B. In addition to the inspections and fees required pursuant to the act and the regulations of the Department of Community Affairs, the following additional annual inspections and fees shall be required, to provide a fire inspection service for all places of business located within the Borough of Saddle River, not classified as life hazard uses, the following inspection fees are required:

- (1) Building, structure and premises:
 - (a) SR No. 1: Any building, structure and premises under 2,500 square feet in gross floor area: \$50 per year.
 - (b) SR No. 2: Any building, structure and premises 2,500 square feet in gross area up to 12,000 square feet in gross floor area: \$100 per year.
 - (c) SR No. 3: Any building, structure and premises over 12,000 square feet in gross floor area: \$175 per year.
- (2) One- and two-family nonowner occupied dwellings, and condominiums:
 - (a) SR No. 4: one to 10 units: \$30 per year.
 - (b) SR No. 5: 11 to 40 units: \$60 per year.
 - (c) SR No. 6: 41 units and over: \$120 per year.

§ 113-15 Board of Appeals.

Pursuant to §§ 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any other of the local enforcement agency (or agencies) shall have the right to appeal to the Construction Board of Appeals of Bergen County.

Article IV Fire Key Boxes

[Adopted 11-21-1994 by Ord. No. 616-C]

§ 113-16 Purpose.

It is the purpose of this article to allow Police and Fire Department personnel to gain immediate and reliable access to structures within the Borough in order to ensure proper lifesaving, fire-fighting and other emergency purposes, where access to structures is unduly difficult because of secured openings or other hazards.

§ 113-17 Key box required.

When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving, fire fighting and other emergency purposes, the Fire Official/Fire Subcode Official, where appropriate, may require a key box to be installed in an accessible location. The key box shall be a type approved by the Fire Official/Fire Subcode Official, as appropriate, so that all key access of this type within the Borough of Saddle River may be accomplished with one system. The key box shall contain keys to gain necessary access as required by the Fire Department.

§ 113-18 Installation.

Installation of the key box shall be made at the owner's expense and in accordance with specifications maintained and approved by the Fire Official/Fire Subcode Official, as required. The Fire Official/Fire Subcode Official shall have the authority to implement a uniform system throughout the Borough so that access to the designated key boxes may be accomplished by the utilization of one uniform key system.

§ 113-19 Enforcement.

[Amended 4-16-2007 by Ord. No. 07-808-C]

The enforcement of the provisions of this article shall be the responsibility of the Fire Official/Fire Subcode Official in accordance with the provisions of the Uniform Fire Code of the State of New Jersey.

Article V

False Alarms

§ 113-20 False Alarms – Residential Only

- A. Any nuisance false alarm within the Borough of Saddle River may be subject to a penalty issued by the Saddle River Fire Marshal/Saddle River Fire Chief.
- B. A nuisance alarm is considered a repeat alarm activation due to a continuous malfunction in an existing alarm system or a continuous accidental activation within a three-month period. In order to be considered a nuisance alarm, the alarm must be tripped and the Fire Department must respond three times within a three month period. The activation must be reported through the Saddle River Police and Fire Department tracking system.
- C. If an alarm is deemed a nuisance alarm, a penalty may be issued jointly by the Fire Chief and Fire Marshal. On the fourth offense, a penalty may be issued of not more than \$500.00. If the nuisance alarm persists the Fire Marshal and Fire Chief may issue a penalty of up to \$500.00 for each additional activation. Penalties collected pursuant to this Section shall be directed to the Saddle River Fire Department to defray the cost of gear and/or equipment deemed necessary by the Saddle River Fire Chief.

Article VI

Fire Watch

§ 113-21 Fire Watch

- A. A “fire watch” is defined as a temporary measure, ordered by the Fire Marshal or their designated representative, intended to ensure continuous and systematic surveillance of a building or portion thereof, by one or more qualified individuals, for the purpose of reporting fires, controlling fires, effecting occupant evacuation, coordinating Fire Department response and other functions deemed appropriate by the Fire Marshall or Fire Chief.
- B. A fire watch may be ordered by the Fire Marshall, Fire Chief or their designated representative under the following circumstances:
 - (1) Required building fire protection systems are impaired or out of service;
 - (2) An “imminent hazard”, as defined by N.J.A.C. 5:70-2.16 exists;
 - (3) Hot work or use of an open flame during the performance of construction in an occupied building or the use of open flame or pyrotechnics before a live audience;
 - (4) Any public or private event where more than 499 persons are in attendance when required by the Fire Marshal or designated representative;
 - (5) A fire watch is requested by the building owner, tenant or lessee;

(6) Any other condition or event that may pose unusual hazards or risk to the public or fire service when deemed necessary by the Fire Marshal or designated representative.

C. Fire watches shall be performed by any of the following:

(1) A member of the Saddle River Fire Department;

(2) Employees of the Borough of Saddle River;

(3) Firefighters or fire inspectors from any fire department that has a mutual aid agreement with the Saddle River Fire Department;

(4) In the event a required fire watch cannot be fulfilled with any personnel provided for herein, the Fire Marshal is permitted to fill the fire watch with other authorized personnel.

D. Fire watchers for the purposes of a fire watch shall report directly to the Fire Marshal or their designated representative.

E. In the event of a fire incident, the fire watchers shall report to the Fire Chief of Fire Department Incident Commander.

F. The Fire Marshal or designated representative shall stipulate the terms and duration of the fire watch, including but not limited to:

(1) Staffing requirements;

(2) Equipment needs;

(3) Additional or secondary fire protection based on the specific conditions.

G. Fire watch services authorized and/or required by this section and deemed necessary by the Fire Marshal or their designated representative shall be paid at the rate of \$30.00 per hour per person performing the fire watch. There shall be a minimum payment of two hours per person. An administrative fee of ten percent (10%) shall be added to the total hourly compensation. In no case shall the administrative fee exceed \$175.00. Payment shall be made payable to the Borough of Saddle River.

2. All other provisions of Chapter 113 shall remain unchanged.

3. This Ordinance shall take effect upon adoption as provided by law.

4. Except as provided for herein, all other provisions of the Ordinance shall remain in full force and effect.

5. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be

deemed to be severable from the remainder of this Ordinance.

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

	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Azzariti, John						X
Carpenter, Duncan			X			
DiGirolamo, Chris	X		X			
Liva, Jeffrey			X			
Sachdev, Ravi			X			
Hekemian, David - Council President		X	X			
Kurpis, Albert J., - Mayor	----	----				

INTRODUCED: 7/17/2023

ADOPTED: 8/21/23

I hereby certify the above to be a true copy of an Ordinance **adopted** by the Governing Body of the Borough of Saddle River on August 21, 2023.

Cindy Kirkpatrick, RMC
Municipal Clerk

Mayor Albert J. Kurpis
Borough of Saddle River, New Jersey