

O-22-2023

**ORDINANCE OF THE BOROUGH OF SWEDESBORO
AMENDING CHAPTER 144 OF THE SWEDESBORO CODE
ENTITLED; UNIFORM FIRE CODE**

**AN ORDINANCE PROVIDING FOR LOCAL ENFORCEMENT
OF THE NEW JERSEY UNIFORM FIRE CODE**

WHEREAS, the Uniform Fire Safety Act, (P.L. 1983, c. 383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards which have been made part of the Uniform Fire Code (N.J.A.C. 5:70-1 et seq.); and

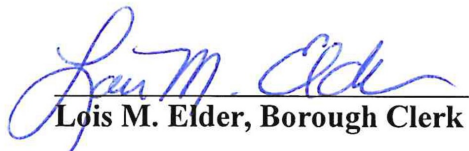
WHEREAS, the Uniform Fire Safety Act authorizes counties and municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

WHEREAS, it is in the best interest of the **Borough of Swedesboro** to have the Uniform Fire Code enforced locally; and

WHEREAS, the **Swedesboro Fire Bureau** Fire Marshal has agreed to the plan and for the administration and enforcement of the Uniform Fire Code; and

NOW, THEREFORE, BE IT ORDAINED by the **Borough of Swedesboro** in the County of Gloucester adopts the Uniform Fire Code Ordinance, in its entirety as attached hereto for the administration and enforcement of the Uniform Fire Code by the **Swedesboro Fire Bureau** Fire Marshal.

Attest:


Lois M. Elder, Borough Clerk

BOROUGH OF SWEDESBORO


Thomas W. Fromm, Mayor

CERTIFICATION

I, Lois M. Elder, Borough Clerk of the Borough of Swedesboro, in the County of Gloucester, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of the Ordinance O-22-2023 approved on the 1st reading on September 5, 2023 and adopted after 2nd reading and public hearing on September 18, 2023.


Lois M. Elder, Clerk

Roll Call Vote 1st Reading/Introduction- September 5, 2023

COUNCILMEMBER	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Mr. Booker		X	X			
Mr. Casella			X			
Mr. Flaherty			X			
Ms. Gahrs			X			
Ms. Hale						X
Mr. Weeks	X		X			
TALLY			5			1

Roll Call Vote 2nd Reading/ Public Hearing/Adoption – September 18 2023

COUNCILMEMBER	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Mr. Booker			X			
Mr. Casella			X			
Mr. Flaherty			X			
Ms. Gahrs		X	X			
Ms. Hale			X			
Mr. Weeks	X		X			
TALLY			6			

Publication of Public Hearing: September 8, 2023.

UNIFORM FIRE CODE ORDINANCE

AN ORDINANCE PROVIDING FOR LOCAL ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE.

WHEREAS, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards which have been made part of the Uniform Fire Code (N.J.A.C. 5:70.1 et seq.); and

WHEREAS, the Uniform Fire Safety Act authorizes counties and municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

WHEREAS, it is in the best interest of the **Borough of Swedesboro** to have the Uniform Fire Code enforced locally; and

WHEREAS, the **Swedesboro Fire Bureau** Fire Marshal has agreed to the plan, which is set forth herein, for the administration and enforcement of the Uniform Fire Code; and

NOW, THEREFORE BE IT ORDAINED by the governing body of the **Borough of Swedesboro** in the County of Gloucester and the State of New Jersey, as follows:

Section 1. LOCAL ENFORCEMENT

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the County of Gloucester.

Section 2. AGENCY DESIGNATION

The local enforcing agency shall be the **Swedesboro Fire Bureau** Fire Marshal's Office. The **Swedesboro Fire Bureau** Fire Marshal's Office shall hereinafter be known as the local enforcing agency.

Section 3. DUTIES

- (A) The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Swedesboro in the County of Gloucester and state of New Jersey other than one- and two-unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State.
- (B) The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

Section 4. ORGANIZATION

- (A) The Swedesboro Fire Bureau Fire Marshal's Office established by Section 2 of this Ordinance shall be under the direct supervision and control of a fire marshal/fire official who shall report to the Mayor of Swedesboro.
- (B) The Swedesboro Fire Bureau Fire Marshal's Office shall have at least one paid inspector.

Section 5. APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REMOVAL

(A) Appointment and Qualifications of the Fire Marshal/Fire Official.

The fire marshal/fire official shall be certified by the State and appointed by the Mayor and Borough Council of the Borough of Swedesboro.

(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 recommendation of the fire marshal/fire official. All life hazard use inspectors shall be certified by the State.

(C) Appointment of Legal Counsel.

The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

(D) Term of Office.

The fire marshal/fire official shall serve for a term of a minimum of one year.

(E) Removal from Office.

The fire marshal/fire official, inspectors and other employees of the agency shall be subject to removal by the Mayor and Borough Council of the Borough of Swedesboro for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Borough Council of the Borough of Swedesboro or a hearing officer designated by the same.

Section 6. LIFE HAZARD USES

The Swedesboro Fire Bureau Fire Marshal's Office established by Section 2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

Section 7. NON-LIFE HAZARD USES

- A) In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Swedesboro Fire Bureau Fire Marshal's Office. These uses shall be inspected once per year and pay an annual fee.

A. Assembly

A-1 Eating establishment under 50 (No alcohol)	\$ 50.00
A-2 Take-out food service (no seating)	\$ 25.00
A-3 House of Worship	\$ 50.00

B. Business/Professional

B-1 Professional use 1 & 2 story less than 5,000 sq. ft. per floor	\$ 50.00
B-2 1 & 2 story equal to or more than 5,000 sq. ft. less than 10,000 sq. ft. per floor	\$ 50.00
B-3 1 & 2 story more than 10,000 sq. ft.	\$ 75.00
B-4 3 to 5 story less than 5,000 sq. ft. per floor	\$100.00
B-5 3 to 5 story equal to or more than 5,000 sq. ft. less than 10,000 sq. ft. per floor	\$150.00
B-6 3 to 5 story over 10,000 sq. ft. per floor	\$200.00

C. Retail (mercantile)

M-1 Retail Business Under 1,000 sq. ft.	\$ 50.00
M-2 Retail Business Under 5,000 sq. ft.	\$100.00
M-3 Retail Business Over 5,000 sq. ft.	\$200.00

D. Manufacturing (factory)

F-1 Moderate Hazard	\$200.00
F-2 Low Hazard	\$100.00

S Storage S-1 (moderate hazard S-1, low hazard S-2)

S-1 Moderate Hazard Under 1,000 sq. ft.	\$ 75.00
S-1 Moderate Hazard Under 5,000 sq. ft.	\$150.00
S-1 Moderate Hazard Over 5,000 sq. ft.	\$250.00
S-2 Low Hazard Under 1,000 sq. ft.	\$ 50.00
S-2 Low Hazard Under 5,000 sq. ft.	\$ 75.00
S-2 Low Hazard Over 5,000 sq. ft.	\$150.00
S Exception life hazard uses.	

F Residential (LEA listed with multi-family BHI) Fee is for each building:

R-1	1 to 6 units	\$ 25.00
R-2	7 to 12 units	\$ 50.00
R-3	13 to 20 units	\$ 75.00
R-4	21 to 50 units	\$100.00
R-5	for each additional unit	\$ 25.00

R Common areas (each building)

R-1	1 & 2 story less than 5,000 sq. ft. per floor	\$ 50.00
R-2	1 & 2 story equal to or more than 5,000 sq. ft. less than 10,000 sq. ft. per floor	\$ 75.00
R-3	1 & 2 story more than 10,000 sq. ft.	\$100.00
R-4	3 to 5 story less than 5,000 sq. ft. per floor	\$125.00
R-5	3 to 5 story equal to or more than 5,000 sq. ft. less than 10,000 sq. ft.	\$150.00
R-6	3 to 5 story over 10,000 sq. ft.	\$200.00

R. Common areas (LEA not listed with BHI)
(each building)

R-1	1 & 2 story less than 5,000 sq. ft. per floor	\$ 50.00
R-2	1 & 2 story equal to or more than 5,000 sq. ft. less than 10,000 sq. ft. per floor	\$ 75.00
R-3	1 & 2 story more than 10,000 sq. ft.	\$100.00
R-4	3 to 5 story less than 5,000 sq. ft. per Floor	\$125.00
R-5	3 to 5 story equal to or more than 5,000 sq. ft. less than 10,000 sq. ft. per floor	\$150.00
R-6	3 to 5 story over 10,000 sq. ft.	\$200.00

Use Group (U) Miscellaneous

U-1	Farms	\$ 50.00
U-2	Utility & Miscellaneous Uses	\$ 50.00

(B) R-A uses shall be inspected and charged a fee only upon sale or change of tenant.

- (C) Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.
- (D) Uses required to register with the State as life hazard uses shall not be required to register under this section.
- (E) Unoccupied or vacant buildings will be charged and inspected in accordance with requirements of N.J.A.C. 5:70-2.7 and 5:70-2.9 according to the previous use of the building.
- (F) All residential uses except R-A uses shall be inspected in the common areas only.

Section 8. PERMITS AND CERTIFICATE OF FIRE CODE STATUS

- (A) The application fees for the permits listed in N.J.A.C. 5:70-2.7(b) and 5:70-2.9(c) shall be as provided by State regulation and are currently as follows:

Type 1	\$ 54.00
Type 2	\$214.00
Type 3	\$427.00
Type 4	\$641.00

- (B) The cost for the issuance of a Certificate of Fire Code Status shall be \$35.00.

Section 9. FEES FOR SMOKE ALARM, CARBON MONOXIDE ALARM AND PORTABLE FIRE EXTINGUISHER COMPLIANCE

Fees 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, as follows:

- 1. Requests for CSACMAPFEC received more than 10 business days prior to the change of occupant: \$ 45.00
- 2. Requests for a CSACMAPFEC received 4 to 10 business days prior to the change of occupant: \$ 90.00
- 3. Requests for a CSACMAPFEC received fewer than 4 business days prior to the change of occupant: \$161.00

Section 10. REVISION OF FEES

The fees established by this Ordinance may be periodically adjusted by Resolution or Amending Ordinance to ensure compliance and consistency with N.J.A.C. 5:70-2.7 and 5:70-2.9.

Section 11. TECHNICAL AMENDMENTS

"Reserved"

Section 12. BOARD OF APPEALS

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

Section 13. ENFORCEMENT. VIOLATIONS. AND PENALTIES

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

Section 14. REPEALS Key Boxes

- (A) The New Jersey Administrative Code, N.J.A.C. 5:70, et seq., requires certain properties to be equipped with automatic alarm systems and/or sprinkler systems.
- (C) All properties within the LEA having an automatic fire alarm system or a fire sprinkler system shall be equipped with a key box. This shall not apply to owner occupied one-and two-family dwellings.
- (D) The key box shall be of a UL type and the rapid entry key box shall be installed in a location approved by the Swedesboro Fire Bureau Fire Marshal.

Section 15, REPEALS

The following ordinances or portions thereof are hereby repealed: _____

Section 16. EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by law.