

ORDINANCE 2019-07

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF CHESTER TO INCLUDE A NEW CHAPTER 156, IN PART II OF THE BOROUGH CODE ENTITLED, KNOX BOXES

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, the Borough of Chester is vested with certain police powers to promote and protect safety and health; and

WHEREAS, the Borough of Chester wishes to protect the property of business owners and safety of responding Police and Fire personnel; and

WHEREAS, the Mayor and Borough Council wish to require the installation of Knox Boxes in commercial buildings located within the Borough to provide emergency personnel with non-destructive emergency access; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended and as follows:

SECTION 1. Part II (General Legislation) of the Borough Code is hereby amended to include a new Chapter 156, entitled Knox Boxes, which shall read as follows:

§ 156-1 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

COMMERCIAL BUILDING

Any building used by a business or for a business purpose, or portion thereof used primarily for commercial or industrial activity, which is either open to the public, not open to the public or occupied by employees, including, but not limited to, warehouses, factories, storage facilities, aircraft hangars, garages, wholesale distribution facilities and offices or other similar spaces within such buildings. For purposes of applying these rules, "commercial building" shall not include those buildings that are occupied 24 hours a day, seven days a week.

KNOX BOX

An approved wall mounted key vault system, which has a given level of security to protect keys and paper work, in which the key locking and unlocking is controlled by the Fire Chief and Police Chief.

§ 156-2 Knox Box required.

- A. All commercial buildings are required to install Knox Box(es). Certificates of occupancy for new buildings will not be issued until Knox Boxes are installed.
- B. The Knox Box will be unobstructed and visible not less than four feet from the front door and or main entrance of the commercial building. The bottom of the Knox Box will not be less than four feet from the ground, and the top of the box will not be more than six feet from the ground.
- C. The Knox Box will be made of metal and other sturdy materials to protect the keys inside and shall be fastened to the building to ensure the security of the keys and Knox Box.

§ 156-3 Responsibility for furnishing keys or other entrance devices in Knox Box.

The furnishing of keys, combination-lock numbers, card key pass(es), and any other type of security key in the Knox Box shall be the responsibility of the owner of the commercial building, or in the case of a residence or business not occupied by the owner, the responsibility shall be that of the person in possession of the premises.

§ 156-4 Knox Box maintenance.

The owner of each facility or his designee shall be responsible for updating the Knox Box and shall ensure that the keys, combination-lock numbers, card key pass(es), or any other type of security, key or entrance device contained within the Knox Box is current and will provide access to the entire facility.

§ 156-5 Knox Box inspections.

A. The owner of the facility or his designee shall make regular inspections of the Knox Box to ensure that the keys, combination-lock numbers, card key pass(es), or any other type of security key or entrance device contained within the Knox Box are current and will provide access to the entire facility. The Fire Marshal shall provide a checklist to the owner of the facility to be used for inspection of the Knox Box. The owner of the facility or his designee shall keep the checklist in the Knox Box for official inspection by Mount Olive fire officials.

B. The owner of the facility shall ensure that the Knox Box is properly installed and not obstructed.

§ 156-6 Enforcement.

(1) The Police Department, Fire Code Official, Code Enforcement Officer, or Zoning Officer shall, in connection with their duties imposed by law, diligently enforce the provisions of this section.

(2) The Police Department, Fire Code Official, Code Enforcement Officer, or Zoning Officer shall have authority to order any person or persons acting in violation of this section to leave the park or recreation area or facility.

§ 156-7 Penalty.

Violation of any provision of this Chapter shall be brought before the Municipal Court Judge of the Borough of Chester by summons issued by a Police Officer, Fire Code Official, Code Enforcement Officer, or Zoning Officer. Any person, firm or corporation violating any provision of this section shall be subject to the General Penalty Provisions of this Code, set forth in Chapter 1 (General Provisions), Article III (General Penalties). Fines and imprisonment shall be at the discretion of the Judge of the Borough of Chester Municipal Court and may be imposed for everyday the violation continued after issuance of a summons, without the need for the issuance of repetitive summonses every day.

SECTION 3. If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 4: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect upon passage and publication according to law.

Dated: May 21, 2019

Janet Hoven, Mayor

Attest:

Denean Probasco, Municipal Clerk

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 16th day of April, 2019, and the same came up for final passage at a meeting of said Borough Council on the 21st day of May, 2019 at which time, after persons

interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

Denean Probasco, RMC
Municipal Clerk
Borough of Chester