

Explanation: This Ordinance amends various sections of Chapters: 57, titled "Bureau of Fire Operations"; 166, titled "Fire Prevention"; 169, titled "Fire Zones" and 188, titled "Land Use and Development" of the Municipal Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to reflect changes recommended by the Office of Fire Safety and the Board of Fire Commissioners.

ORDINANCE 2006-24

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 57, TITLED "BUREAU OF FIRE OPERATIONS", VARIOUS SECTIONS OF CHAPTER 166, TITLED "FIRE PREVENTION", VARIOUS SECTIONS OF CHAPTER 169, TITLED "FIRE ZONES", AND VARIOUS SECTIONS OF CHAPTER 188, TITLED "LAND USE AND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY.

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the following Sections are amended as follows:

1. Section 57-1 titled "Creation; goals and duties" of the Code of the Township of Hillsborough is amended as follows:

B. The Bureau of Fire Operations shall develop regulations to be followed by the public regarding the efficient fighting of fires and the maintenance of equipment in connection therewith. Said regulations are in Section 57-7 of this Ordinance and shall be enforced by the Township's Chief Fire ~~Official~~ **Marshal** described or the Township Police or Fire Chief in charge of a particular fire-fighting operation or his duly authorized representative.

2. Section 57-2 titled "Membership; voting" of the Code of the Township of Hillsborough is amended as follows:

A. An appointed Fire Commissioner (to be appointed from among the Board of Fire Commissioners) and all presiding Chiefs and Assistant Chiefs of the Fire Companies serving the Township of Hillsborough, known as "Hillsborough No.1 (Flagtown)", "Hillsborough No.2", "Hillsborough No.3" and "Neshanic" and the Township ~~Fire Official~~ **Chief Fire Marshal** shall constitute the membership of Bureau of Fire Operations. Passage of any action shall require the affirmative vote of three members of the Bureau, with the exception of Sections 57-5 and 57-6.

B. Only the Chief and Assistant Chief of each company shall be entitled to one vote per company. If the Chief and Assistant Chief cannot agree on the vote for their company, the vote of the Chief shall govern. In the absence of the Chief, the Assistant Chief shall cast his company's vote. The appointed Fire Commissioner shall have one vote. The Township Chief ~~Official~~ **Fire Marshal**, although not a voting member of the Bureau, shall act in an advisory capacity to the Bureau.

3. Section 57-3 titled "Officers" of the Code of the Township of Hillsborough is amended as follows:

C. The duty of the Chief Fire ~~Official~~ **Marshal** regarding this Ordinance is to attend all Bureau meetings, to act in an advisory capacity to the members of the Board of Fire Commissioners and to supervise the administration and enforcement of the regulations developed by the Bureau of Fire Operations for the fighting of fires and the maintenance of equipment as described in Section 57-7. The referenced last duty shall be shared by the members of the Bureau serving the Township of Hillsborough.

4. Section 57-7 titled "Regulations" of the Code of the Township of Hillsborough is amended as follows:

D. Hydrant use approval. A person shall not use or operate any fire hydrant intended for use by the Fire Department for fire suppression purposes unless such person first secures approval for use from the Chief Fire ~~Official~~ **Marshal** or the Bureau of Fire Operations.

5. Section 166-4 titled "Definitions." Of the Code of the Township of Hillsborough is amended as follows:

FIRE OFFICIAL/~~CHIEF FIRE MARSHAL~~- A person certified by the Commissioner of the Department of Community Affairs and appointed to direct the enforcement of the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.)

6. Section 166-10 titled "Organization." Of the Code of the Township of Hillsborough is amended as follows:

The local enforcing agency established by Section 166-7 of this Ordinance shall be the Hillsborough Bureau of Fire Safety. Enforcement shall be conducted by the ~~Chief Fire Official~~ **Chief Fire Marshal**, who shall function under the authority and supervision of the Board of Fire Commissioners. The ~~Chief Fire Official~~ **Chief Fire Marshal** shall have the authority to supervise such ~~inspectors~~ **Fire Marshals** as may be employed. Such funds as may be necessary to support the enforcement operation shall be raised by the district in the manner provided by law.

7. Section 166-11 titled "Appointment; term of office; **Fire Marshals** and employees; removal" of the Code of the Township of Hillsborough is amended as follows:

Title: "Appointment; term of office; ~~inspectors~~ **Fire Marshals** and employees; removal"

A. Appointment of ~~Fire Official~~ **Chief Fire Marshal**. The Chief Fire ~~Official~~ **Marshal** shall be appointed by the Township Committee, upon the recommendation of the Hillsborough Township Board of Fire Commissioners,

B. The ~~Fire Official~~ **Chief Fire Marshal** shall serve a term of four years.

C. ~~Inspectors~~ **Fire Marshals** and employees. The Hillsborough Township Committee, upon recommendation of the Hillsborough Township Board of Fire Commissioners, shall appoint such ~~inspectors~~ **Fire Marshals** and other employees as may be necessary to carry out all required inspection activity in the Fire District. Such ~~inspectors~~ **Fire Marshals** shall be under the supervision and control of the ~~Fire Official~~ **Chief Fire Marshal**.

D. Removal from office. The ~~Fire Official~~ **Chief Fire Marshal**, ~~Fire Inspectors~~ **Marshals** and other employees of the enforcing agency shall be subject to removal by the Hillsborough Township Committee upon the recommendation of the Hillsborough Township Board of Fire Commissioners for inefficiency or misconduct. Each ~~inspector~~ **Fire Marshal** or employee to be removed shall be afforded an opportunity to be heard by the appointing authority in accordance with the Hillsborough Township Personnel Ordinance.

8. Section 166-12 titled “Appeals” Of the Code of the Township of Hillsborough is amended as follows:

Pursuant to Sections 15 and 17 of the Uniform Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of the ~~Township of Hillsborough~~ **Somerset County** for a hearing.

9. Section 166-13 titled “Additional required inspections and fees” of the Code of the Township of Hillsborough is amended as follows:

B. Registration. Whenever the ~~Fire Official~~ **Chief Fire Marshal** shall have cause to believe that a building or use would require an annual inspection as outlined in Section 166-13A of this Ordinance, the ~~Fire Official~~ **Chief Fire Marshal** or designee shall complete a registration of the building or use. It shall be a violation of Section 166-16 for an owner to fail to provide information necessary to complete registration within 30 days. The owner of the business, office, place of assembly or multiple dwelling shall provide the ~~Fire Official~~ **Chief Fire Marshal** the necessary information to complete the registration. Each registration shall include, but not be limited to, the following information:

10. Section 166-16 titled “Fire alarm systems” of the Code of the Township of Hillsborough is amended as follows:

A. Fire alarm systems located in offices, places of assembly, multi-family dwellings and other commercial buildings that are monitored by a central station or other proprietary agency shall not be reset prior to the arrival and approval of the Fire Department ~~or Fire Official~~ **Fire Marshal**.

11. Section 169-7 titled “Enforcement” of the Code of the Township of Hillsborough is amended as follows:

A. The Hillsborough Townships Fire Chiefs or duly authorized representative, ~~fire-prevention inspector~~ **Fire Marshal** or Police Officer may enforce this article by issuing a summons. If the Hillsborough Township Fire Chiefs or duly authorized representative, ~~fire-prevention inspector~~ **Fire Marshal** or Police Officer deems it necessary, or any obstructions, encroachments are not removed, the Hillsborough Township Fire Chiefs or duly authorized representative, ~~fire-prevention inspector~~ **Fire Marshal**, or Police Officer shall proceed to remove same. Costs incurred in the performance of necessary work shall be paid by the owner of said obstruction or his representative.

B. Hillsborough Township, the Hillsborough Township Fire Departments and it’s representatives, the Hillsborough Township ~~Fire Prevention Bureau~~ **Bureau of Fire Safety**, the Hillsborough Township Board of Fire Commissioners, the Hillsborough Township ~~Fire-Prevention Inspector~~ **Fire Marshals** and the Hillsborough Township Police Department and its

representatives shall not be responsible or liable for damages done to any obstruction during an emergency situation.

12. Section 188-48 titled "Fire protection" of the Code of the Township of Hillsborough is amended as follows:

A. Whenever a central water supply system services a development, provisions shall be made for fire hydrants along streets and/or the *property walls* of non-residential structures. Where streams or ponds exist or are proposed on lands to be developed, facilities ~~may shall~~ be provided to draft water for firefighting purposes. ***Drafting facilities must be designed to provide a minimum fire flow as approved by the Chief Fire Marshal and shall have a minimum of 30,000 gallons in volume, excluding the bottom two feet of water within the source. This minimum capacity of water must be available year around, including drought conditions. There must be an approved*** ~~This shall include~~ access to a public street for use by firefighting equipment and construction of or improvements to ponds, dams or similar on-site or off-site development, where feasible. The facilities provided in this Section shall be approved by the Township Fire Department, ***Chief Fire Marshal*** ~~Fire Inspector~~ and Township Engineer.

B. (1) NO CHANGE

(2) The underground storage tank shall be constructed of fiberglass or other non-corrosive material. It shall provide a six inch suction pipe located behind the curb but no greater than three feet from the curb face *or pavement edge*. It shall provide a six-inch N.S.T. female swivel connection with *screen and cap*. All connections must be fire rated for drafting operations. Suction pipe shall be protected from vehicular traffic by two bollards. Bollards shall be located as to not obstruct Fire Department access to the connection. To facilitate circulation and filling, a four inch pipe located at the tank, ***36" above grade*** with a ***fire rated, five inch storz connection*** ~~two and five tenths inch female swivels N.S.T. fire rated threaded~~ ***with a locking Knox*** caps shall be installed. The tank shall include a twenty-two-inch or greater manhole with a locking cover, surrounded by a concrete pad at ground level. Venting of the tank shall be provided with a six-inch minimum diameter pipe located on the tank. The vent is required to permit a minimum of flow of 1,000 GPM. The vent must be constructed as to prevent material from easily being dropped into the tank. ***A water level gauge must be installed on the tank to allow a clear view from the street of the water level within the tank.*** All piping used with the tank must be of steel or iron pipe. All piping must be painted red in color. Tanks must be installed in accordance with National Fire Protection Agency Standards, the Hillsborough Township Fire Official ***Chief Fire Marshal*** and the New Jersey Uniform Construction Code.

13. This Ordinance shall take effect upon its adoption, passage and publication according to law.

14. When codified, all strike outs will be removed as will bold and italicized text.

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

By: _____
Kevin P. Davis, Township Clerk

By: _____
Carl Suraci, Mayor

Introduced: 7/25/06
Published:8/3/06
Public Hearing: 9/12/06
Adopted: 9/12/06
Published: 9/21/06