

## BOROUGH OF FRANKLIN

### ORDINANCE #16-2010

#### **AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY REPLACING CHAPTER 124 OF THE CODE OF THE BOROUGH OF FRANKLIN PROVIDING FOR LOCAL ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE.**

**WHEREAS**, the Uniform Fire Safety Act, N.J.S.A 52:27D-192 et seq. was enacted for the purpose of establishing a system for the enforcement of uniform, minimum, fire safety standards throughout the State of New Jersey;

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

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

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

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

#### **Section 1.**

The Code of the Borough of Franklin is hereby modified to replace Chapter 124 in its entirety and replaced as follows:

#### **Chapter 124 FIRE PREVENTION**

#### **Article I – Codes, Enforcement**

**124-1. Local Enforcement.** Pursuant to Section 11 of the Uniform Fire Safety Act, N.J.S.A 52:27D-192 et seq., the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Borough of Franklin.

**124-2. Agency Designation.** The local enforcing agency shall be the Office of the Fire Marshall for the County of Sussex, which shall hereinafter be known as the local enforcing agency.

#### **124-3. Duties.**

- (A) Within the established boundaries of the Borough of Franklin, the local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises other than owner-occupied buildings of less than three dwelling units

used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by 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.

#### **124-4. Organization of the Local Enforcing Agency.**

- (A) The Fire Official established by 124-2 of this ordinance shall be created and supervised by the County of Sussex and shall meet all of the requirements of the applicable law and regulations.

- (B) Appointment of Fire Official

The Fire Marshall/Official of the Office of the Fire Marshall of the County of Sussex shall be a State-certified fire official appointed by the Freeholders of the County of Sussex consistent with the procedures set forth in the applicable law and regulations. The Sussex County Freeholders may appoint inspectors and other employees of the enforcing agency consistent with applicable laws and regulations. All life hazard use inspectors shall be certified by the State.

**124-5. Life Hazard Uses.** The Office of the Fire Marshall of the County of Sussex established by 124-2 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.

#### **124-6. Non-life Hazard Uses**

- (A) In addition to the registrations and permits required by the Uniform Fire Code, all other uses subject to Uniform Fire Code inspections shall register with the Office of Fire Marshall, County of Sussex. These uses shall be inspected once per year and shall pay an annual fee based upon fees set forth in Chapter 119 and/or the Uniform Fire Code.
- (B) Uses requiring registration with the State as life hazard uses shall not be required to register or pay fees pursuant to this section.
- (C) Vacant buildings that create a fire hazard shall be charged and inspected according to the schedule, above.
- (D) Owners of more than one use at a given location shall pay a full fee for the largest use and one-half fee or fees for any subsequent use or uses.

**124-7. Permits.** The application fees for the permits listed in N.J.A.C. 5:70-2.7 shall be as specified in the Uniform Fire Code.

**124-8. Board of Appeals.** Pursuant to N.J.S.A. 52:27D-206b and 208d, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Uniform Construction Code Board of Appeals of the County of Sussex.

**124-9. 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.

## **Article II – Fire Control Measures and Regulations**

### **124-10. Authority at fires and other emergencies.**

A. The Fire Chief or duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty.

B. The Fire Chief may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department.

C. The Fire Chief may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the Fire Official.

D. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation.

E. It shall be unlawful to willfully fail or refuse to comply with any lawful order or direction of the Fire Official or to interfere with the compliance attempts of another individual.

**124-11. Vehicles crossing fire hose.** A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the Fire Chief in command of said operation.

**124-12. Unlawful boarding or tampering with Fire Department emergency equipment.** A person shall not, without proper authorization from the Fire Chief in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on or a part of any Fire Department emergency vehicle.

### **124-13. Damage or injury to Fire Department equipment or personnel prohibited.**

It shall be unlawful for any person to damage or deface or attempt or conspire to damage or deface any Fire Department emergency vehicle at any time, or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

**124-14. Blocking fire hydrants and Fire Department connections.** It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant

or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes, or on private property. If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the Fire Chief shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the Fire Chief and with the approval of the chief administrative official; and the legal authority of the municipality shall institute appropriate action for the recovery of such costs.

**124-15. Hydrant use approval.** A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless said person first secures a permit for such use from the water company having jurisdiction. This subsection shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

**124-16. Public water supply.** The Fire Chief shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Official.

**124-17. Maintenance of fire suppression equipment.** A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs or when permitted by the Fire Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief and chief administrative officer of the Borough.

**124-18. Fire lanes.**

A. Fire lanes established. In order to provide access for fire apparatus to commercial, multifamily and industrial structures, the Borough Fire Chief may recommend that fire lanes be established in accordance with the specifications contained in this section.

B. Planning Board review.

(1) All requests and recommendations concerning fire lanes shall be submitted to the Planning Board in writing by the Borough Fire Chief along with a site plan that shall depict the proposed fire lane(s). A copy of the request or recommendation shall be sent to the property owner. The property owner shall also be provided written notice of the time and place when the Planning Board will consider the fire lane recommendation. The Planning Board shall conduct its review and provide a written response to the Fire Chief with the Planning Board's decision in regard to the fire lane.

(2) Upon the review and approval by the Planning Board of a fire lane, the Fire Chief shall notify the property owner in writing of the Planning Board's decision and, in the event that a fire lane is required, the notice shall describe the designated fire lane area, the reason for the designation and the responsibility of the property owner to install signage and pavement markings in accordance with this section. All expenses related to the

installation of the signage and pavement markings shall be the responsibility of the property owner. The installation of the signage and pavement markings shall be completed by the property owner within 45 days following notification by the Fire Chief. Failure to install the signage and pavement markings may subject the property owner to penalties as provided for in Chapter 1, General Provisions, of the Borough Code.

C. Delineation and marking.

(1) Each fire lane shall be striped along the perimeter with a yellow stripe not less than four inches wide. The actual width of a fire lane shall not be less than 18 feet.

(2) Each fire lane shall be clearly marked on the surface of the pavement "Fire Lane No Parking" with yellow letters no less than 24 inches high. This wording shall be located horizontally and between the perimeter lines and shall be repeated throughout the fire lane.

(3) Each fire lane shall be clearly marked with a metal sign every 50 feet with a minimum of two signs. The metal signs shall be no less than 18 inches by 24 inches with three-inch red letters, shall contain a white reflective background and shall read as follows:

Fire Lane

No Parking

Tow-Away Zone

D. Maintenance of fire lane. The owner of the property where the fire lane is located shall properly maintain any such markings, striping, curbing, and signage in the designated areas at all times. Defacing, tampering with, or damaging any such markings, striping, curbing or signage, or allowing them to deteriorate so as to reduce their effectiveness shall constitute violations of this section.

E. Obstructions. It shall be illegal to park, stop, or leave standing any vehicle, whether attended or unattended, or to place any obstruction on lands, whether publicly or privately owned, in any designated fire lane. It shall be illegal to park, stop, or leave standing any vehicle, whether attended or unattended, or to place any obstruction on lands within 10 feet of any fire hydrant or other water connection device.

F. Removal of obstructions. A police officer, fire official or fire fighter actively engaged in fire-fighting activity is authorized to remove or have removed obstructions or vehicles as may violate this section at the expense of the owner of the premises, in the case of obstructions, or at the expense of the owner of the vehicle, in the case of a vehicle.

**124-19. Violations and penalties.** The penalty provisions of Chapter 1, General Provisions, of this Code shall be applicable for all violations of this chapter for which penalties are not provided for under the Uniform Fire Safety Code and applicable sections of the Administrative Code adopted pursuant thereto.

**Section 2**

All references to fees in Chapter 124 are deleted in favor of the fees set forth in Chapter 119.

**Section 3 Partial invalidity.**

If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**Section 4 Effective date.**

This ordinance shall become effective upon adoption and publication in accordance with Law.

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Paul B. Crowley, Mayor

ATTEST:

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Patricia A. Leasure, Borough Clerk

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Franklin, Sussex County, New Jersey, held on the 26<sup>th</sup> day of October, 2010, and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 9<sup>th</sup> day of November, 2010, at Borough Hall, 46 Main Street, in the Borough of Franklin, at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

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Patricia Leasure, Borough Clerk