

**BOROUGH OF OLD TAPPAN  
ORDINANCE 1193-21**

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 131 OF THE CODE OF THE BOROUGH OF OLD  
TAPPAN TITLED "FIRE PREVENTION"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Old Tappan as follows:

**Section 1.** The Code of the Borough of Old Tappan is hereby amended by repealing Chapter 131 titled "Fire Prevention" and replacing it with the following:

**FIRE PREVENTION**

§ 131-1 Adoption of standards; definitions.

A.

Adoption; local enforcement. The New Jersey Uniform Fire Code, consisting of the BOCA Basic/National Fire Prevention Code 1996, including all subsequent revisions and amendments thereto, as modified by N.J.A.C. 5:70-3.2, shall be locally enforced in the Borough of Old Tappan.

B.

Public record. Copies of the aforementioned code shall be filed in the Bureau of Fire Prevention.

C.

Definitions. For the purpose of this chapter, the following words shall have the definitions as set forth hereinafter:

**FIRE INSPECTOR**

The person working under the direction of the Fire Official/Fire Marshal who is certified by the Commissioner of the Department of Community Affairs and appointed or designated to enforce the Code by the appointing authority of a local enforcing agency.

**FIRE OFFICIAL/FIRE MARSHAL**

The person certified by the Commissioner of the Department of Community Affairs and appointed or designated to direct the enforcement of the code by the appointing authority. This term shall also include "Fire Marshal" where the Fire Official has been appointed pursuant to N.J.A.C. 5:71-3.2.

**LOCAL ENFORCING AGENCY**

The Bureau of Fire Prevention established pursuant to § 131-2A hereinafter.

§ 131-2 Bureau of Fire Prevention.

A.

Establishment. There is hereby established a Bureau of Fire Prevention in the Borough of Old Tappan which shall be operated under the supervision of the Fire Official/Fire Marshal. The New Jersey Uniform Fire Code shall be enforced by the Bureau of Fire Prevention as herein provided.

B.

Fire Official/Fire Marshal. The Fire Official/Fire Marshal shall be in charge of the Bureau and shall be appointed by the Mayor and Council.

C.

Duties. The Bureau is hereby designated as the local enforcing agency of the code and shall enforce the code in all buildings, structures and premises within the established boundaries of the Borough, other than owner-occupied one- and two-family dwellings, including the periodic inspections of life-hazard uses on behalf of the Commissioner of Community Affairs. The Bureau shall also collect all fees for registration of non-life-hazard uses and permits as set forth in the code and § 131-5.

D.

Appointments; term of office; removal.

(1)

Fire Official/Fire Marshal. The person in direct charge of the supervision of the Bureau shall be appointed in accordance with the provisions of Subsection D. The Fire Official/Fire Marshal shall meet the following qualifications in order to be appointed:

(a)

He or she shall hold a valid certification as a New Jersey Fire Official.

(b)

He or she shall have at least three years' experience as a certified fire inspector.

(2)

Inspectors and employees. Such inspectors and other employees as may be necessary to carry out the duties and responsibilities of the Bureau shall be appointed by the Mayor and Council upon the recommendation of the Fire Official/Fire Marshal. Any inspector employed by the Bureau of Fire Prevention shall be certified pursuant to the New Jersey Uniform Fire Code.

(3)

Term of office. The Fire Official/Fire Marshal and all employees of the Bureau shall be appointed for a term of two years commencing on January 1 of the year of appointment.

(4)

Removal from office.

(a)

The Fire Official/Fire Marshal shall not be removed from office or employment for political reasons or for any other cause than incapacity, misconduct, suspension and/or revocation of certification as a Fire Official or disobedience of the rules and regulations established for the government of the Bureau of Fire Prevention.

#### § 131-3 Reports.

A report of the Bureau shall be made annually and transmitted to the Fire Commissioner. It shall contain all proceedings under the code, with such statistics as the Fire Official/Fire Marshal may wish to include.

#### § 131-4 Appeals.

Pursuant to N.J.S.A. 52:27D-124 and N.J.S.A. 52:27D-198, any person aggrieved by any ruling, action, or notice of the Bureau of Fire Prevention shall have the right to appeal same to the Construction Board of Appeals of the Borough of Old Tappan. Such an appeal shall be prosecuted in the manner provided by N.J.A.C. 5:70-2.19 et seq.

#### § 131-5 Additional required registration fees.

A.

In addition to life-hazard use fees pursuant to the New Jersey Uniform Fire Code, the additional registration fees relative to the non-life-hazard uses as set forth hereinabove shall be required annually. Fees shall be billed out in January or upon date of initial registration and shall be due no later than 30 days from the issuance of the bill, with a late charge equal to the original fee.

B.

Any and all business and commercial retail or other premises for which provision is not made for a life-hazard use registration under the code. The fees charged for non-life-hazard use registrations pursuant to this section shall be:

(1)

Class A: up to 3,000 square feet: \$75

(2)

Class B: 3,001 to 5,000 square feet: \$125

(3)

Class C: 5,001 to 10,000 square feet: \$200

(4)

Class D: more than 10,000 square feet: \$275

(5)

Class E: multifamily units, per dwelling unit: \$50

§ 131-6 Fire lanes and fire zones; fine.

A.

Purpose. The purpose of this section is to establish a procedure to define fire lanes and to establish and provide adequate and safe ingress and egress for emergency vehicles and provide certain penalties for the unlawful parking therein.

B.

Fire lanes and fire zones.

(1)

Required. The Fire Official/Fire Marshal may require and designate public or private fire lanes and fire zones as deemed necessary for the efficient and effective operation of fire apparatus.

(2)

Width. Fire lanes shall have a minimum width of 20 feet. Fire zone size shall be determined by the Fire Official/Fire Marshal.

[Amended 12-7-2009 by Ord. No. 996-09]

C.

Designation of fire lanes and fire zones.

(1)

Markings. The fire lanes and zones established by Subsection B shall be striped and lettered in yellow either "No Parking Fire Lane" or "No Parking Fire Zone" on the paved surface. The size of the fire lane or zone and the details of the lines and lettering shall be determined by the Police Chief and the Fire Official/Fire Marshal of the Borough.

(2)

Posting. The fire lanes or fire zones shall be appropriately posted with metal signs indicating "No Parking Fire Lane" or "No Parking Fire Zone." The signs shall further indicate the size and dimensions of the fire lanes or zones wherever deemed necessary by the Police Chief and the Fire Official/Fire Marshal. The signs shall be of such design, quality and lettering as required by New Jersey statutes governing same. The Police Chief and Fire Official/Fire Marshal of the Borough shall determine the number and placement of signs and shall approve the design, quality and lettering.

(3)

Cost. The owner of the property shall, at his/her expense, cause the proper creation of the fire lanes or zones, including the striping, lettering and installation of signs.

D.

Parking.

(1)

Parking prohibited. No person shall at any time park a motor vehicle or in any other manner obstruct any driveway or area designated as a fire lane or zone pursuant to this section.

(2)

Penalties. Unless another penalty is expressly provided for by New Jersey statutes, any person convicted of a violation of this Subsection D shall be subject to a fine of not less than \$75 nor more than \$250. In addition, the Police Department shall have the authority to cause any vehicle found in violation of this Subsection D to be towed and stored at the expense of the owner of the vehicle.

[Amended 9-7-2004 by Ord. No. 859-04; 12-7-2009 by Ord. No. 996-09]

E.

Enforcement. The Police Department, concurrently with the Fire Prevention Bureau, shall have jurisdiction for enforcing this section.

§ 131-7 Fire Department Connection (FDC) Lights

Any existing red light which gives notice of a Fire Department Connection (FDC) for building sprinklers or standpipes shall be illuminated at all times.

§ 131-8 Notification of Fire Department required in certain circumstances.

It shall be a violation of this chapter for any person, firm, corporation, owner, tenant or person responsible for a given structure or premises to fail to immediately notify the Fire Department and immediately evacuate the entire structure when and if the following conditions are present:

A.

The fire alarm or carbon monoxide (CO) alarm is activated.

B.

There is smoke in the structure.

C.

An explosion has occurred.

D.

There is a fire in, on, or near, the structure.

E.

There is an uncontrolled fire on the premises, including brush fires, rubbish fires, outside appliances, or vehicle.

F.

There is a collapse of the structure endangering the occupants.

G.

There is a utility emergency including arching/sparking wires, gas leak, or uncontrollable water leak.

H.

Any fire protection system (sprinklers, etc.) is activated.

I.

Whenever a hazardous or flammable material is spilled, leaked or exposed and has the potential to endanger the occupants on the premises.

J.

Upon the order of the Chief of the Fire Department, Fire Marshal, or the Incident Commander of the scene.

§ 131-9 Blocking and use of fire hydrants; fine.

A.

Unlawful to block. It shall be unlawful to block, obstruct, obscure, or damage any hydrant, Fire Department Connection (FDC), or hydrant locator wands that are located on public or private streets and access lanes or on private property. A four-foot radius from any hydrant or Fire Department connection must be kept clear of any objects. "Objects" are defined as, but not limited to:

(1)

Mailboxes.

(2)

Vehicles.

(3)

Brush or large plants.

(4)

Fences or walls.

(5)

Garbage.

(6)

Leaf piles or other debris.

B.

Clearing of snow. The owner of any real property abutting any fire hydrant(s) shall be responsible for clearing hydrants. Hydrants shall be cleared a minimum of 36 inches in all directions, including access path necessary for the connecting of hose lines and operation of the hydrant. Fire hydrants shall be cleared of snow within 24 hours of coverage. In the event additional snow is deposited around a cleared hydrant after initial clearing by plowing or subsequent storm activity, an additional 24-hour period may be granted to remove the additional accumulation.

If the responsible party fails to comply in the specified time, the municipality of any department thereof may perform the clearance and bill the responsible party not more than \$75.00 for the service. Any persons physically incapable of performing this task may request assistance from the Fire Department or the Department of Public Works.

C.

Use of fire hydrants. A person shall not use or operate any fire hydrant intended for use of the Fire Department unless such person secures written permission from United Water, the Fire Official/Fire Marshal, or the Fire Chief. This section shall not apply to the use of such hydrants by a person employed by United Water, the Borough of Old Tappan, the County of Bergen, or the State of New Jersey.

D.

Penalty. Unless another penalty is expressly provided for by ordinance or New Jersey statutes, any person convicted of a violation of § 131-9 shall be subject to a fine of not less than \$100. Each day that the owner, tenant or occupant fails to satisfy the obligation of this section shall constitute a separate violation.

## § 131-10 Key Boxes

A.

The Fire Official/Fire Marshal may require the installation of a Knox-Box in an approved location under the authority of N.J.A.C. 5:70-3.2(a)5, 506.1.

B.

All properties, exempting owner occupied single and two family dwellings, within the Borough of Old Tappan, where 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 or fire-fighting purposes, the Fire Official/Fire Marshal, Fire Chief or duly authorized representative may require that a rapid entry key box be installed in an accessible location. The owner, tenant, occupant, or other person(s) responsible for the property shall bear the cost of the key box and installation.

C.

The following buildings or structures shall be equipped with a key lock box:

- (1) Commercial, industrial, and mercantile structures protected by an automatic alarm, fire sprinkler, or fire suppression system, or such structures that are secured in a manner that restricts access during an emergency.
- (2) All shopping centers and strip malls.
- (3) Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units.
- (4) Hotels, motels, nursing care facilities.
- (5) All educational and day-care buildings or structures.
- (6) All office buildings and structures.
- (7) All buildings and structures of public assembly, including churches and restaurants.
- (8) Any high hazard occupancy.
- (9) Any building or structure 12,000 square feet or more in size.
- (10) Any location where the Fire Official/Fire Marshal or Fire Chief deem it necessary at any non-single-family location.

D.

The accessible location shall be within five feet of the front or main entrance to the building and six feet above ground level or other location with approval of the Fire Official/Fire Marshal.

E.

Where a building or structure contains multiple tenants and/or individual occupancies, the Fire Official/Fire Marshal may permit for a single key box to be installed. The owner or other person(s) responsible of the property shall ensure that access keys are provided for each individual tenant's space.

F.

The key box shall include keys or entry codes to allow access to the premises as well as to boiler rooms, sprinkler control valves, electrical rooms, elevators and elevator control rooms, and other locked areas of the premises as may be required by the Fire Official/Fire Marshal or Fire Chief. The owner or operator of a structure required to have a key lock box shall, at all times, keep current keys in the lock box.

G.

The Fire Official/Fire Marshal shall prescribe specifications as to the required rapid entry box and key system.

H.

This Ordinance shall take effect upon its final passage and publication as required by law. All owners, tenants, and/or occupants subject to this Ordinance shall have one year from the effective date to comply with the provisions of this Ordinance.

I.

The requirement for newly installed key boxes will be at the discretion of the Fire Official/Fire Marshal. Newly installed key boxes shall be required at all changes of use or property ownership.

J.  
Failure to comply after given notice by the Fire Official/Fire Marshal shall require penalties as set forth in the New Jersey Uniform Fire Code.

#### § 131-11 Violations and penalties.

A.

Except for violations that are subject to the enforcement proceedings under the Uniform Fire Code, any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both such fine and imprisonment.

B.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and, when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

C.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

#### § 131-12 Fire Watch Program

A. Definition.

"Fire Watch" is defined as a temporary measure ordered by the Old Tappan Bureau of Fire Prevention intended to insure continuous and systematic surveillance of and response to the Borough or a portion thereof, or a building or portion thereof, by one or more qualified individuals, for the purpose of identifying and controlling fire and other life/property hazards, detecting early signs of an unwanted fire, raising an alarm of fire to the occupants, notifying the Old Tappan Fire Department and engaging in firefighting or other emergency response.

B. Initiation; scope; liability for costs.

A fire watch may be ordered by the Fire Official, or in his/her absence any member of the Bureau of Fire Prevention or the ranking Fire Department officer present. A fire watch may be posted in any portion of the Borough in public and privately owned buildings and/or properties. A fire watch may be required and shall be paid for by a building owner, tenant, lessee, or organization under the following circumstances:

- 1) Where, in the opinion of the Fire Official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity; or
- 2) Where a required fire protection system is out of service, the fire department and the Fire Official shall be notified immediately, and where the Fire Official determines that an imminent hazard exists pursuant to N.J.A.C. 5:70-2.16, the building shall be either evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service; or
- 3) Where required by the Fire Official during working hours for building demolition or building construction that is hazardous in nature.
- 4) Where required by the Fire Official during nonworking hours for new construction of buildings taller than 40 feet in height or with an aggregate area exceeding 50,000 square feet; or
- 5) Where required by the Fire Official during hot work activities based on the hazards and work being performed; or
- 6) Where requested by the building owner, tenant, lessee, or organization for special event or activity not included above.

C. Services or requirements during watch.

A fire watch may include firefighting, rescue, recovery, and other emergency responses; the maintaining of posted fire lanes, means of egress, and posted occupancy loads; enforcement of no smoking in posted areas; area and building

surveillance; checking for proper permits; inspecting for proper safety precautions of cooking equipment; and such other functions as required by the Fire Official or his assigned designee.

**D. Individuals authorized to perform watch.**

The Bureau of Fire Prevention shall create a list of individuals authorized pursuant to N.J.A.C. 5:73-1.1 et seq. to perform a fire watch and available to the Borough for a fire watch, should one be deemed necessary. Any qualified individuals used for the purposes of a fire watch shall report directly to the Fire Official or his/her assigned designee. Persons on fire watch duty shall be paid by the Borough. Whenever possible, the subject building owner shall be given notice of the cost for the fire watch prior to the service and shall have the option to utilize its own private personnel to perform the fire watch, so long as the personnel are approved by the Fire Official to perform the fire watch.

**E. Rates**

All fire watch services ordered for the benefit/protection of private property shall be paid to the Borough at the rate of \$40 per hour per person, and there shall be a minimum payment of four hours per staff member. Fire watch staff will be compensated at the rate established for Fire Inspectors in the Borough Salary Ordinance.

The rate for use of vehicles shall be as follows when requested under orders from the Bureau of Fire Prevention.

- 1) Rescue/Utility: \$50 per hour.
- 2) Engine: \$50 per hour.
- 3) Tower Ladder: \$100 per hour.
- 4) All others: \$25 per hour.

**F. Payments**

All payments shall be made within 10 days after service is provided. Payments shall be made payable to the Borough of Old Tappan – Bureau of Fire Prevention.

**G. Fire watch fund.**

Fire Prevention, in conjunction with the Borough's Chief Financial Officer, shall establish a "Fire Watch Fund" for payments under this article. This fund shall be solely for payment of fire watches under this article. Surplus funds in this account after compensating fire watch staff may be used at the discretion of the Fire Official.

**Section 2.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final passage and publication according to law.