

SANDYSTON TOWNSHIP

2016-07

ORDINANCE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 71 OF THE CODE OF SANDYSTON TOWNSHIP ENTITLED "FIRE PREVENTION" AND AMENDING CHAPTER 69 ENTITLED "FEES"

WHEREAS, the Township of Sandyston adopted Chapter 71 entitled "Fire Prevention" 71-1 through 71-9 which set forth regulations concerning Fire Prevention in Sandyston Township; and

WHEREAS, Chapter 71 of the Code of Sandyston Township has been determined by the Township Committee of the Township of Sandyston to be in need of revision and modifications; and

WHEREAS, as a result of the above, the Township Committee of the Township of Sandyston has deemed it in the best interest of the public health, safety and welfare to repeal and replace Chapter 71 entitled "Fire Prevention" and amend Chapter 69 entitled "Fees".

71-1. Local enforcement of state code.

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 Township of Sandyston.

71-2. Local enforcing agency designated.

The local enforcing agency shall be the Fire Prevention Bureau, which is hereby created within the Township of Sandyston.

71-3. Duties of enforcing agency.

- A. The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of Sandyston Township, other than owner-occupied one- and two-family dwellings used exclusively for dwelling purposes, and buildings, structures and premises owned or operated by the 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.

71-4. Life-hazard uses.

The local enforcing agency established by 71-2 of this chapter shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire code on behalf of the Commissioner of Community Affairs and collect the fees established by the Uniform Fire Code.

71-5. Organization of enforcing agency.

The local enforcing agency established by 71-2 of this chapter shall be a part of the Township of Sandyston and shall be under the direct supervision and control of the Fire Official who shall report to the Township Committee of the Township of Sandyston.

71-6. Fire Official.

- A. **Appointment of Fire Official.** The local enforcing agency shall be under the supervision of a Fire Official, who shall be certified by the state and appointed by the Sandyston Township Committee.
- B. **Term of Office.** The Fire Official shall serve for a term of two years. Any vacancy shall be filled for the unexpired term.
- C. **Inspectors and employees.** Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Sandyston Township Committee upon the recommendation of the Fire Official
- D. **Removal from office.** The Fire Official, Inspectors and other employees of the enforcement agency shall be subject to removal by the Sandyston Township Committee for inefficiency or misconduct. Prior to removal from office, all persons shall be afforded an opportunity to be heard by the appointing authority or designated hearing officer designated by the same.
- E. **Certification.** The Fire Official and all life-hazard-use inspectors shall be certified by the Commissioner of the Department of Community Affairs pursuant to N.J.S.A. 52:27d-203
- F. **Appointment of Legal Counsel.** The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

71-7. Board of Appeals.

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

71-8. Permit fees. [Amended 3-5-2002 by Ord. No. 2-02; 9-9-2014 by Ord. No. 2014-06]

- A. The permit fees shall be as established by the Department of Community Affairs as amended from time to time and more particularly set forth in N.J.A.C. 5:70-2.9.

71-9. Non-life-hazard uses.

In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected a minimum of once every three years and a fee will be required upon inspection. Changes in the ownership or use of a property during the three-year period will require a new inspection. [Amended 10-14-2014 by Ord. No. 2014-08]

USE

INSPECTION FEE

- 1. **Assembly**

A-1	Eating establishment with fewer than 50 authorized occupants	\$25
A-2	Take-out food service (no seating)	\$25
A-3	Places of Worship	\$25
A-4	Recreation centers, multipurpose rooms, etc., with fewer than 50 authorized occupants	\$50
A-5	Senior citizen centers with fewer than 50 authorized Occupants	\$50

2. Business/Professional

B-1	Professional use one-and two-story less than, 5,000 square feet per floor	\$25
B-2	One-and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$50
B-3	One- and two-story, more than 10,000 square feet	\$75
B-4	Three- to five-story, less than 5,000 square feet per floor	\$100
B-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$150
B-6	Three- to five-story, over 10,000 square feet per floor	\$200

3. Retail (mercantile)

M-1	One- and two-story, less than 5,000 square feet per floor	\$125
M-2	One- and two-story, more than 5,000 square feet and less than 12,000 square feet	\$150
M-3	Three – to five-story, less than 5,000 square feet per floor	\$200
M-4	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$225

Hardware stores and home improvement centers of more than 3,000 square feet, and retail stores over 12,000 square feet are life-hazard uses.

4. Manufacturing (factory).

F-1	One- and two-story, less than 5,000 square feet per floor	\$75
F-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$100
F-3	One- and two-story, more than 10,000 square feet	\$150
F-4	Three- to five-story, less than 5,000 square feet per floor	\$175
F-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$200
F-6	Three- to five-story, over 10,000 square feet	\$250

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

S-1	One- and two-story, less than 5,000 square feet per floor	\$50
S-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$100
S-3	One- and two-story, more than 10,000 square feet	\$150
S-4	Three- to five-story, less than 5,000 square feet per floor	\$175
S-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$200
S-6	Three- to five-story, over 10,000 square feet	\$250
S	exception life-hazard uses	

**6. Residential (Regardless whether or not LEA listed with multi-family BHI)
(Fee is for each building)**

R-1	1 to 6 units	\$25
R-2	7 to 12 units	\$50

R-3	13 to 20 units	\$75
R-4	21 to 50 units	\$100
R-5	For each additional unit over 50 units	\$2

R common areas (each building)

R-1	One- and two-story, less than 5,000 square feet per floor	\$50
R-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$75
R-3	One- and two-story, more than 10,000 square feet	\$100
R-4	Three- to five-story, less than 5,000 square feet per floor	\$125
R-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$150
R-6	Three- to five-story, over 10,000 square feet	\$200

Common areas (LEA not listed with BHD) (each building)

R-1	One- and two-story, less than 5,000 square feet per floor	\$50
R-2	One- and two-story, more than 5,000 square feet and less than 10,000 square feet per floor	\$75
R-3	One- and two-story, more than 10,000 square feet	\$100
R-4	Three- to five-story, less than 5,000 square feet per floor	\$125
R-5	Three- to five-story, more than 5,000 square feet and less than 10,000 square feet	\$150
R-6	Three- to five-story, over 10,000 square feet	\$200

- B. R(A) one- and two-family rental where owner does not occupy shall be inspected and charged a fee every five years and upon sale or change of tenant.
- C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business/professional uses.
- D. Uses required to register with the State as life-hazard uses shall not be required to register under this section.
- E. In the discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.

71.10 Certificate of Smoke Detector and Carbon Monoxide Alarm.

Certificate of Smoke Detector and Carbon Monoxide Alarm (hereinafter CSDCMAC) shall be required as per N.J.A.C. 5:70-2.3, and the fee shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

1. The application fee for a CSDCMAC received more than 10 business days prior to the change of occupant: **\$50.00**
2. The application fee for a CSDCMAC received four to 10 business days prior to the change of occupant: **\$80.00**
3. The application fee for a CSDCMAC received fewer than four business days prior to the change of occupant: **\$125.00**
4. There is a re-inspection fee of **\$40.00**.

71-11. 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.

Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

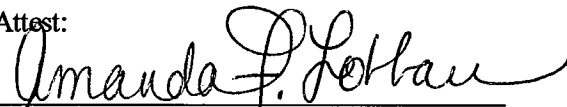
Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.


Roll Call Vote: Ayes: MacDonald, Hull, Harper (3); Nays (0); Absent (0); Abstain (0)

Introduced: May 10, 2016

Adoption: June 14, 2016

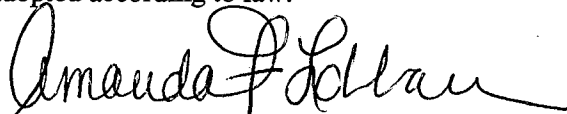
Attest:


Amanda F. Lobban, RMC


George B. Harper, Jr., Mayor

NOTICE OF ADOPTION

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a meeting of the Sandyston Township Committee held on Tuesday, May 10, 2016. The same had benefit of second reading and public hearing at which time all interested persons present were given the opportunity to be heard during a regular meeting on June 14, 2016 at 7:00 pm, at the Sandyston Township Municipal Building, 133 Route 645, Sandyston, NJ, at which time said Ordinance was passed and adopted according to law.


Amanda F. Lobban, RMC
Municipal Clerk