

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, NEW JERSEY TO
AMEND, SUPPLEMENT AND REVISE CHAPTER FOURTEEN OF THE CODE
OF THE TOWNSHIP OF FAIRFIELD REGARDING
FIRE PREVENTION**

WHEREAS, it has been determined by the Mayor and Council of the Township of Fairfield that it is necessary to amend and revise the Code of the Township of Fairfield due to changes in the New Jersey Uniform Fire Code as of February 1, 2009 and the adoption of the International Fire Code 2006 New Jersey Edition; and

WHEREAS, the Mayor and Council are seeking a change in the local registration fee structure, which has not been amended in ten (10) years; and will be more in keeping with the surrounding towns' fee structure; and

WHEREAS, the fee changes will reflect a reduction for tenants under 250 square feet and an increase for tenants over 1,000 square feet; and

WHEREAS, the increase in revenue will keep the Bureau of Fire Prevention, in the Township of Fairfield functioning at a level necessary for the size of the industrial base.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW
JERSEY AS FOLLOWS:**

1. The following shall be deleted from section 14-1.8 Annual Registration Fees and Permits.
 - a. Type 1 permit is required for a tent or air-supported structure one hundred (120) square feet or larger which is intended to be used by ten (10) or more persons. ~~except that tents used exclusively for recreational purposes shall be exempt from this section.~~ The permit application shall be accompanied by a fee of fifty (\$50.00) dollars and such plans and specifications as outlined in the "Specifications for Tents and Air Supported Structures," adopted by the Bureau of Fire Prevention and on file in the Bureau of Fire Prevention Office.
2. Numbers 1 through 6 in section 14-1.8 d. Annual Registration Fees and Permits shall be deleted and replaced with the following:
 - d.
 1. Business occupancies, buildings or structures between two hundred fifty (250) square feet of occupied space: thirty (\$30.00) dollars.
 2. Business occupancies, buildings or structures between two hundred fifty-one (251) square feet and nine hundred ninety-nine (999) square feet of occupied space: fifty (\$50.00) dollars.
 3. Business occupancies, buildings or structures between one thousand (1,000) square feet and

four thousand nine hundred ninety-nine (4,999) square feet of occupied space: eighty (\$80.00) dollars.

4. Business occupancies, buildings or structures between five thousand (5,000) square feet and nine thousand nine hundred ninety-nine (9,999) square feet of occupied space: one hundred thirty (\$130.00) dollars.
5. Business occupancies, buildings or structures between ten thousand (10,000) square feet and fourteen thousand nine hundred ninety-nine (14,999) square feet of occupied space: two hundred fifty (\$250.00) dollars.
6. Business occupancies, buildings or structures in excess of fifteen thousand (15,000) square feet of occupied space or greater: three hundred seventy (\$370.00)dollars.

3. Section 14-1.9 Technical Amendments to State Standards shall be entirely replaced with the following:

14-1.9 Technical Amendments to State Standards. The following technical amendments shall be added to the State Fire Prevention Code, N.J.A.C. 5:70-3:

- a. Section 315 shall read as follows:

315.3.3 Dumpsters: Garbage containers, known as “dumpsters” shall not be located within fifteen (15) feet of any building or structure. In the event of a hardship or other extenuating circumstances, relief from this requirement may be obtained by variance request pursuant to N.J.A.C. 5:70-2.14 One (1) or more of the following circumstances may be considered as a basis for relief:

1. Narrowness of distance between the property lines and building.
2. Parking needs.
3. Traffic flow.
4. Type of dumpster construction.
5. Fire safety considerations.

- b. Section 901 General shall read as follows:

901.7.7 Required Firewatch: It shall be the responsibility of the owner or person in charge of a premises in or upon which operation of the sprinkler protection has been interrupted to diligently restore protection. The officer-in-charge of the Fairfield Fire Department or the Fire Marshall may, in accordance with NFPA Standard 13E 1995 edition and generally recognized safety practice, require a qualified person to stand firewatch when the sprinkler protection cannot be immediately restored. The

watchman must be a Police Officer or Firefighter. In the event that it is determined by the Fire Marshal that a firewatch is required, the owner of the property shall be notified. The Fire Marshal shall assign a firewatch who shall be paid in accordance with the prevailing payment directive issued by the Chief of Police for the private employment of Police Officers by private individuals. In all cases, the fire watchman shall be paid directly by the owner or his representative and shall act as an agent of the owner. Failure to reimburse any watchman provided by the Township, in accordance with this section, shall be a violation of this section. The firewatch shall continue until the protection is restored or until a determination is made by the Fire Marshal that any imminent hazard has ceased. The watchman shall make a detailed report of his observation and activities to the Bureau of Fire Prevention. All watchmen shall be familiar with notification procedures to the Fire Department, as well as the location of control valves and their operation.

c. Section 511 Fire Alarms – shall read as follows:

1. **511.1 Response to Fire Alarms.** Upon the activation of a fire alarm or other fire emergency in any structure other than a one and two family dwelling, the owner, tenant, occupant, or their designated representative shall respond to the structure in order to reset the alarm system. The designated representative shall respond to the structure within thirty (30) minutes.
2. **511.2 Evacuation of Premises.** When a fire alarm occurs in any building, structure or premises containing a fire alarm or fire protection system, except those included in Use Group R-3 and I-2 as defined in the Uniform Fire Code, the occupants will be notified and once so notified shall immediately leave the structure or premises. Once notified, no persons shall enter or re-enter, until authorized to do so by the Fire Chief, Fire Marshal or his representative.

Any person who refuses to leave, interferes with the evacuation of other occupants or continues any operation after having been given an evacuation order, except such work as that person is allowed to perform, shall be deemed in violation of the New Jersey Uniform Fire Code and be subject to a penalty and/or arrest as provided therein.

The Fire Chief or his representative shall certify in writing To the Chief/Fire Marshal any violation of the above prior to the issuance of any notice of violation or penalty. The certification shall include the name of any occupant who failed to evacuate and the date and time of occurrence.

3. **511.3 False Alarms:** The provision of this section shall apply to any person who operates, maintains or owns any alarm device or local alarm designed to summon fire departments to any location in response to any type of alarm signal. This section shall not apply to municipal owned property of Fairfield Board of Education owned property. For purposes of this section, false alarm shall mean the actuation of a fire alarm device of any type to which an investigation fails to reveal a

cause of the nature of the type to which the alarm device was designated or intended to react.

4. **511.4 In Case of False Fire Alarm:** The Fire Chief, or designated representative, shall notify the Chief/Fire Marshal who shall issue the appropriate penalty.
5. **511.5 Owner:** The owner shall take all necessary steps to ascertain immediately the cause of any false alarm and shall alleviate the problem. Failure by the owner to take reasonable precautions to avoid false alarms shall be deemed to be in violation of the Uniform Fire Code.
6. **511.6 Testing:** Testing of alarms required by the Uniform Fire Code without prior notice to the Police Department and the Chief/Fire Marshal shall be in violation of the Uniform Fire Code, and a maxim penalty of five hundred (\$500.00) dollars shall be issued.
7. **511.7 Penalties:** The following penalties shall apply to false alarms:
 - i. First Alarm for calendar year a violation notice shall be issued.
 - ii. Second Alarm a penalty of \$50.00.
 - iii. Third Alarm a penalty of \$100.00.
 - iv. Fourth Alarm a penalty of \$150.00.
 - v. Fifth Alarm a penalty of \$200.00.
 - vi. Sixth Alarm a penalty of \$250.00.
 - vii. All other Alarms will increase by \$50.00 each.

d. Section 3801 shall read as follows:

3803.4 Anchoring: All stationary liquefied petroleum gas tanks shall be anchored in accordance with the requirements of NFPA 58, 1998 edition where required by the Fire Official to protect against flotation. Existing installations may be permitted by the Fire Marshal. (1969 Code § 25-9; Ord. No. 863; Ord. No. 2000-13 § 2; Ord. No. 2002-04 §§ 5, 6; Ord. No. 2004-11 §§ 2, 4)


4. All Ordinances of the Township of Fairfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

5. If any section, subsection, sentence, 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.

6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.


JAMES GASPARINI, MAYOR

ATTEST:


DENISE D. CAFONE
MUNICIPAL CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **March 23, 2009**, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **April 13, 2009 at 7:00 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone
Municipal Clerk

INTRODUCTION OF ORDINANCE MARCH 23, 2009

ORDINANCE #2009-13, AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, NEW JERSEY TO AMEND, SUPPLEMENT AND REVISE CHAPTER FOURTEEN OF THE CODE OF THE TOWNSHIP OF FAIRFIELD REGARDING FIRE PREVENTION

INTRODUCED BY: Councilman LaForgia

SECONDED BY: Council President McGlynn

PUBLISHED: March 26, 2009

2ND READING AND PUBLIC HEARING: APRIL 13, 2009

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN WILLIAM CONNINGTON, III	X				
COUNCILMAN THOMAS MORGAN	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING APRIL 13, 2009

INTRODUCED BY: COUNCIL PRESIDENT MCGLYNN

SECONDED BY: COUNCILMAN LAFORGIA

PUBLISHED: APRIL 16, 2009

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN WILLIAM CONNINGTON, III	X				
COUNCILMAN THOMAS MORGAN	X				
MAYOR JAMES GASPARINI	X				