ORDINANCE # 03-20

AN ORDINANCE TO REPEAL CHAPTER 77 ENTITLED "FIRE CODE, UNIFORM" IN ITS ENTIRETY AND TO ADOPT CHAPTER 77 ENTITLED "FIRE CODE, UNIFORM" OF THE CODE OF THE BOROUGH OF CHATHAM 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., P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated minimum fire safety standard which have been made part of the 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; and

WHEREAS, it is in the best interest of the Borough of Chatham to have the Uniform Fire Code enforced locally.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey, as follows:

Section 1. Chapter 77 entitled "Fire Code, Uniform" is hereby amended to repeal Chapter 77 entitled "Fire Code, Uniform" in its entirety and Chapter 77 entitled "Fire Code, Uniform" is hereby adopted to read as follows:

"CHAPTER 77
FIRE CODE, UNIFORM"

Section 77-1. Provisions of state code accepted; enforcement; interpretation.

A. This chapter shall be enforced by the local enforcing agency in accordance with the provisions of the Uniform Fire Safety Act (N.J.S.A. 52:27D-192, et. seq., P.L. 1983 c. 383), and the interpretations thereof contained in the New Jersey Uniform Fire Code (N.J.A.C. 5:70.1 et seq.).

B. The local enforcing agency shall be the Borough of Chatham Bureau of Fire Safety which hereinafter shall be known as the local enforcing agency.

Section 77-2. Definitions. As used in this chapter, words and terms shall have the meanings respectively ascribed to them in Title 5, Chapter 70 of the New Jersey Administrative Code.
Section 77-3. Duties.

A. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Chatham other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by the Federal Government, Interstate Agencies or the State. Detailed duties of the Fire Official and Fire Inspectors shall be in accordance with N.J.A.C. 5:71-3.3.

B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

Section 77-4. Organization.

A. The local enforcing agency shall be under the direct supervision and control of a fire official who shall report to the Borough Administrator.

B. The local enforcing agency shall have at least one paid inspector.

Section 77-5. Appointments, Qualifications, Term of Office, Removal.

A. Appointment and Qualifications of the Fire Official.

The fire official shall be certified by the State and appointed by the governing body from a list of candidates submitted by the Borough Administrator.

B. Appointment and Qualifications of Inspectors and Other Employees.

Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon recommendation of the fire official. All life hazard use inspectors shall be certified by the State.

C. Term of Office.

The fire official shall serve for a term of a minimum of one year. Any vacancy shall be filled for the unexpired term.

D. Removal from Office

The fire official, inspectors and other employees of the agency shall be subject to removal consistent with Borough personnel practices.

Section 77-6. Life Hazard Uses.

The local enforcing agency 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.
Section 77-7. Non Life Hazard Uses.

A. In addition to the registrations required by the Uniform Fire Code, the following non life hazard uses shall register with the local enforcing agency. These uses shall be inspected by the local enforcing agency and pay an annual registration fee, effective January 1, 2004, as follows.

<table>
<thead>
<tr>
<th>Businesses, Storefronts, Common Areas &amp; Basements</th>
<th>Square Feet of Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee</td>
<td>500 or less</td>
</tr>
<tr>
<td>$35.00</td>
<td></td>
</tr>
<tr>
<td>$45.00</td>
<td>501 to 1000</td>
</tr>
<tr>
<td>$70.00</td>
<td>1,001 to 5,999</td>
</tr>
<tr>
<td>$100.00</td>
<td>6,000 to 9,999</td>
</tr>
<tr>
<td>$125.00</td>
<td>10,000 or more</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Apartments</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee</td>
<td></td>
</tr>
<tr>
<td>$35.00</td>
<td>3 - 5</td>
</tr>
<tr>
<td>$45.00</td>
<td>6 - 15</td>
</tr>
<tr>
<td>$70.00</td>
<td>16-25</td>
</tr>
<tr>
<td>$100.00</td>
<td>26-35</td>
</tr>
<tr>
<td>$125.00</td>
<td>36 or more</td>
</tr>
</tbody>
</table>

B. Any business that has a fire and/or burglar alarm system currently registered with the Borough of Chatham is exempt from paying the fees referenced above.

Section 77-8. When effective; superseder.

This Ordinance shall take effect upon publication after final passage and approval as provided by law, and shall supersede, in its entirety, Ordinance No. 16-85 codified as Chapter 77 of the Code of the Borough of Chatham."

INTRODUCED: August 11, 2003

ADVERTISED: August 14, 2003

ADOPTED: September 8, 2003

ATTEST: 

BOROUGH OF CHATHAM

Susan Caljean, Acting Borough Clerk

Herbert H. Kiehn, Mayor