

**BOROUGH OF BLOOMSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 109 - 05

**AN ORDINANCE PRESCRIBING REGULATIONS TO BE
IMPLEMENTED PURSUANT TO CODES KNOWN AS THE
UNIFORM FIRE SAFETY ACT OF 1983 AND THE NEW
JERSEY UNIFORM FIRE CODE**

Be it ordained by the Mayor and Council of the Borough of Bloomsbury,
County of Hunterdon, State of New Jersey, as follows:

Adoption.

It is hereby adopted by the Mayor and Council of the Borough of Bloomsbury for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous material or explosion, those certain codes known as the Uniform Fire Safety Act of 1983 (N.J.S.A. 52:27D-192 et seq.) and the New Jersey Uniform Fire Code (N.J.A.C. 5:70 et seq.).

Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act, the New Jersey Uniform Fire Code, adopted as N.J.A.C. 5:70 et seq., shall be enforced locally within the established limits of the Borough of Bloomsbury.

Designation of enforcing agency.

The New Jersey Uniform Fire Code shall be enforced by the Bureau of Fire Prevention therein, hereinafter known as the "Bureau," a Division of the Fire Department of the Borough of

Bloomsbury, which is hereby established and which shall be operated under the supervision of the Fire Official, who shall be the chief administrator of the unit.

Duties of Bureau of Fire Prevention.

The Bureau shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all the buildings, structures and premises within the established boundaries of the Borough of Bloomsbury, other than owner-occupied one- and two-family dwellings and comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code as stated throughout.

Inspections of life hazard uses.

The Bloomsbury Fire Prevention Bureau of the Bloomsbury Fire Department shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

Supervision of enforcing agency.

The local enforcing agency established under the provisions of this chapter shall be a division of the Bloomsbury Fire Department and shall be under the direct supervision and control of the Fire Official, who will supervise the activities of the agency. The Fire Official shall report directly to the Chief of the Bloomsbury Fire Department.

Appointment of Fire Official.

The appointment of the Fire Official shall be made by the Mayor and Council of the Borough of Bloomsbury. The Mayor and Council shall make the appointment from a list provided by the Chief of the Bloomsbury Fire Department. The person(s) shall be certified as a fire official by the Department of Community Affairs of the State of New Jersey.

Term of office and duties of Fire Official.

The Fire Official shall serve for a term of five years. The duties of the Fire Official are set forth under N.J.A.C. 5:70 et seq. and as stated throughout the code. The Fire Official shall write a monthly report of the Bureau's activities, which shall be transmitted to the Chief of the Fire Department and the Mayor and Council through the Council Liaison. Any vacancy in the position of the Fire Official shall be filled for the unexpired term. The Fire Official shall recommend to the Chief of the Fire Department and the Mayor and Council any amendments of the code which, in his judgment, shall be desirable. The Fire Official shall be responsible for the enforcement and implementation of the New Jersey Uniform Fire Safety Act and the New Jersey Uniform Fire Code, and said Official shall sign all purchase orders and vouchers and shall be responsible for making reports and keeping records of all activities of the Bureau.

Inspectors and other employees.

Such inspectors and other employees as may be necessary in the local enforcing agency may be appointed by the Mayor and Council upon recommendation of the Fire Official, within budgetary constraints.

Removal from office.

The Fire Official may be removed from office if his removal is recommended by the Chief of the Fire Department and the Mayor and Council for inefficiency, misconduct and/or not fulfilling his duties. Inspectors or other employees of the Bureau may be recommended for removal by the Fire Official or the Chief of the Fire Department for inefficiency, misconduct and/or for not fulfilling his/her duties. The Fire Official, inspectors and other employees to be removed shall be afforded an opportunity to be heard by the Mayor and Council at a formal hearing, if so requested by them, and the actual discharge from office must be done by action of the Mayor and Council.

Board of Appeals.

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

Permit fees.

A. The permit fees established by the Uniform Fire Code shall be as set forth in N.J.A.C. 5:70 et seq., which at the present time are as follows:

- (1) Type 1: \$35.
- (2) Type 2: \$138.
- (3) Type 3: \$276.
- (4) Type 4: \$414.

B. These fees are changed annually under the Administrative Codes, and the fees set forth herein are the fees in existence at the time of the adoption of this chapter and are set forth

herein for information purposes, since these fees will change annually, and will be as set forth in the New Jersey Administrative Code.

Technical amendments.

Technical amendments to the Uniform Fire Code or permissible amendments to the Uniform Fire Code shall not be more restrictive than those imposed by the Uniform Construction Code, nor shall they be less restrictive than those imposed by the Uniform Fire Code.

Job description of fire inspectors.

Fire inspectors shall perform inspections in accordance with the rules and regulations established and set forth in N.J.A.C. 5:70 et seq. Inspectors shall prepare written reports within 15 days after completing their inspections and shall then be responsible for furnishing copies of said written reports to the Fire Official, the property owner and the property user and/or tenant within 10 days after the completion of said written reports. Notices to property owners and/or users or tenants shall be given by certified mail, return receipt requested, or by such other means as set forth in N.J.S.A. 52:27D-211 of the New Jersey State Uniform Fire Safety Act. The inspector shall be responsible for conducting a follow-up inspection of those premises which have violations within 15 days after the period for correcting the violations has elapsed, and the inspector shall then complete and file a written report with the Fire Official setting forth the results of his follow-up inspection within seven days after completing the follow-up inspection and shall advise the Fire Official of any outstanding violations which have not been corrected. The inspector shall also be

responsible for testifying in court, if necessary, concerning the nature and results of his inspections and reports. The inspector shall undergo a yearly performance review by the Fire Official. Failure to perform any of the requirements of the position shall be grounds for removal. In situations involving imminent hazards, fire inspectors shall prepare written reports and furnish copies of said written reports to the Fire Official, the property owner and the property user and/or tenant as required in accordance with provisions of N.J.A.C. 5:70 et seq.

Violations and penalties.

For violation of any provision of this chapter, the penalty for a first offense will be a fine of up to \$100, and the penalty for any and all subsequent offenses will be a fine of up to \$100 and/or up to 90 days' community service.

Repealer. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

Effective Date. This Ordinance shall take effect following final passage and publication in accordance with law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced on first reading by the Bloomsbury Borough Council at a regular meeting held on October 25, 2005, which Ordinance shall be given further consideration for final passage following a public hearing to be conducted thereon at its regular monthly meeting to be held on December 27, 2005, at the Bloomsbury Borough Administrative Offices, 91 Brunswick Avenue, Bloomsbury, New Jersey.

Mark R. Peck, Mayor

Attest:

Lisa A. Burd,
Acting Borough Clerk

First Reading: October 25, 2005
Publication: December 8, 2005
Public Hearing: December 27, 2005
Adoption: December 27, 2005
Publication of Adoption: January 5, 2006