

**TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
WYCKOFF, NJ 07481**

ORDINANCE #2087

AN ORDINANCE AMENDING CHAPTER 115, "FIRE PREVENTION," AND CHAPTER 113, "FEES," OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO UPDATE FIRE PREVENTION CODE REFERENCES, RESIDENTIAL SMOKE ALARM, CARBON MONOXIDE ALARM, PORTABLE FIRE EXTINGUISHER, AND SECONDARY POWER SOURCE IDENTIFICATION LABEL COMPLIANCE REQUIREMENTS, FIRE HYDRANT AND FIRE DEPARTMENT CONNECTION STANDARDS, RAPID ENTRY SYSTEM AND FIRE LANE REQUIREMENTS, OUTSIDE BURNING REGULATIONS, AND RELATED FEES

Note: Matters enclosed in bold-faced brackets [thus] are intended to be omitted. Matters **bolded and underlined thus** are new matters.

WHEREAS, the Township Committee desires to amend Chapter 115, "Fire Prevention," to conform local terminology and requirements to current State law and regulations concerning residential smoke alarm, carbon monoxide alarm, and secondary power source identification label compliance, while continuing a local portable fire extinguisher requirement; and

WHEREAS, the Township Committee further desires to update provisions concerning fire hydrants, fire department connections, rapid entry systems, fire lanes, outside burning, and related fee references in Chapter 113.

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 115, "Fire Prevention," Section 115-1, "Adoption of standards," is hereby amended as follows:

§ 115-1. Adoption of standards.

- A. Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Fire Code shall be locally enforced in the Township of Wyckoff.
- B. The Fire Prevention Code of the municipality shall consist of a certain code known as the "New Jersey Uniform Fire Code," **N.J.A.C. 5:70, as**

amended and supplemented, [adopted February 18, 1985, and] is hereby incorporated in this chapter as if set forth at length. Required copies thereof have been placed on file in the office of the Municipal Clerk and the Fire Prevention Bureau and shall remain in said offices so long as this chapter is in effect, for use and examination by the public.

SECTION 2.

Chapter 115, "Fire Prevention," Section 115-8, "Fire hydrants," is hereby amended as follows:

§ 115-8. Fire hydrants.

- A. All fire hydrants shall be installed subject to the approval of the Fire Official or his duly authorized representative.
- B. Fire Department connections shall have an approved fire hydrant installed no more than 100 feet from the siamese connection location or as approved by the Fire Official. All fire hydrants and Fire Department connections shall be maintained accessible and visible at all times.
- C. This location of hydrants to Fire Department connections shall apply to all new construction **and to existing buildings undergoing major alterations or additions, as determined by the Fire Official.**

SECTION 3. Chapter 115, "Fire Prevention," Section 115-15, "Street obstructions prohibited; violations and penalties," is hereby amended as follows:

§ 115-15. Street obstructions prohibited[; **violations and penalties**].

- A. No person shall erect, construct, place, or maintain any bumps, fences, gates, bars, pipes, wood or metal horses, or any other type of obstruction that would prevent or hinder access to a fire hydrant in or on any street within the Township.
- B. The word "street," as used in this chapter, shall mean any roadway accessible to the public for vehicular traffic, including but not limited to private streets or access lanes, as well as all public streets and highways within the boundaries of the Township.
- C. Exceptions to the prohibitions of Subsection A above may be granted in writing upon good cause shown by the Fire Official, provided that no such proposed obstruction shall be of such design or nature that injury may occur to fire suppression personnel or damage may occur to fire suppression equipment.

[D. Any person responsible for installations in violation of Subsection A above shall be liable to a penalty of not more than \$500 per day per violation.]

[E. Penalties shall be enforced and collected by the Fire Official under the authority of the New Jersey Uniform Fire Code.]

D. Fire lanes, fire zones, and fire roads required by applicable law, site plan approval, the Uniform Fire Code, or the Fire Official shall be maintained unobstructed, accessible, visible, and available for emergency access at all times.

E. No person shall park, stop, stand, place, erect, construct, or maintain any vehicle, trailer, dumpster, fence, gate, chain, post, barrier, storage item, landscaping material, or other obstruction within any designated fire lane, fire zone, or fire road so as to interfere with or impede emergency access.

F. The owner, occupant, or person responsible for the property shall maintain all pavement markings, signs, striping, curbing, barriers, gates, chains, Knox padlocks, rapid-entry devices, and other traffic control, access, or identification measures required for fire lanes, fire zones, and fire roads in good condition and in a manner approved by the Fire Official. The Fire Official may require the installation, repair, replacement, relocation, or maintenance of such measures as deemed necessary for public safety and emergency access.

G. Any violation of this section shall be subject to the penalties set forth in § 115-23.

SECTION 4. Chapter 115, "Fire Prevention," Section 115-16, "Rapid entry system," is hereby amended as follows:

§ 115-16. Rapid entry system.

A. Applicability.

(1) A key box of a UL-type approved by the Wyckoff Fire Official shall be installed on the property in the following circumstances:

(a) Buildings requiring Fire Department access:

[1] Buildings with automatic fire detection or suppression systems.

[2] Buildings where visual inspection for fire is obstructed.

- [3] Buildings classified as life hazard uses.
- [4] Any building where the Fire Official determines a need for immediate access in case of fire.
- (b) Multiple dwelling buildings:
 - [1] All buildings containing five or more units with common areas locked from the outside.
- (c) Commercial and industrial properties:
 - [1] All commercial and industrial buildings, including commercial structures with two or more separately located businesses sharing common areas locked from the outside.
- (d) Educational and childcare facilities:
 - [1] All daycare centers, nurseries, public and private schools.
- (e) Municipal buildings:
 - [1] All Township municipal buildings.

(2) The Fire Official may require the installation of more than one rapid entry system for a building when, in the Fire Official's sole discretion, the size, configuration, occupancy, access points, floor area, fire protection systems, or operational complexity of the building warrants additional rapid entry access.

([2]3) Exclusions.

- a) **[This section does not apply to one- and two-family dwellings classified under the Uniform Construction Code (N.J.A.C. 5:23 et seq.) as R-3 and R-4.] This section shall not apply to one- and two-family dwellings and townhouses classified under the Uniform Construction Code, N.J.A.C. 5:23 et seq., as Use Group R-3, R-4, or R-5.**
- b) Any structure or site with a 24-hour, seven-day-a-week, on-site guard service shall be exempted from the provisions of this section.

B. Compliance deadlines.

- (1) Existing buildings: All existing buildings covered by this section must install a key box within six months of this chapter's effective date.
- (2) New buildings: Newly constructed buildings or buildings under construction must install a key box prior to the acceptance and approval of their fire detection or suppression systems.
- (3) For any building subject to this section, updated and operable keys, access devices, or access credentials shall be provided to and maintained within the approved rapid entry system upon**

any change in occupancy, change in tenancy, transfer of ownership, rekeying, replacement, or modification of any lock, door hardware, gate, access control device, or secured area affecting access to the building or any required interior space. Where the Fire Official determines during inspection or response that keys or access devices are missing, inoperable, inaccurate, or no longer provide proper access, corrected and updated keys or access devices shall be provided within thirty (30) days of written notice, or sooner where required by the Fire Official due to life safety concerns.

[C. Commercial and manufacturing buildings. All new commercial or manufacturing buildings constructed after the effective date of this chapter, and any existing commercial or manufacturing buildings changing tenancy, ownership, or renovation exceeding 30% of the building's usable footage, must install a key box. Keys must be provided prior to occupancy or final inspection.]

[D]C. Type of equipment. The rapid entry system shall have a single lock and may have an alarm tamper switch at the owner's discretion. If the building is protected by a burglary alarm system and the owner elects to alarm the rapid entry system, the rapid entry system may be connected to the burglary alarm system so that a tamper alarm will sound if the box is opened or removed. If the building is protected by a fire alarm system and the owner elects to connect the rapid entry system to the fire alarm system, the connection shall be as a supervisory signal, shall be separately zoned from any fire detection device, and shall be identified on the fire alarm annunciator panel as a rapid entry system supervisory signal [and alarm tamper switch. If the building is protected by a burglary alarm system(s), it shall be connected so that an alarm will sound in the event the box is opened or removed from the building. If a burglar alarm system does not protect the building, the box may be connected to the fire alarm system at the owner's discretion. Connection to the fire alarm requires the box to be zoned alternately from any fire detection and noted on the fire alarm annunciator panel as a rapid entry system.] The owner and/or occupant of a nonresidential property or their agent shall be responsible for ordering and installing a Knox Company Rapid Entry System [or its commercial equivalent].

[E]D. Location of key boxes. The key box must be installed near the main entrance of the building or property, mounted between six and eight feet above the final grade, or in another position approved by the Fire Official.

[F]E. Contents of key vault/lock box. Labeled keys, easily identified, in the field to provide access into the property and/or building and to any locked areas within the said building, and as may be further directed by the Fire Official. All affected rooms shall be clearly marked with either a number or labels to coincide with their labeled key.

- (1) Keys to all locked points of egress, whether interior or exterior, of said buildings **and all locked interior offices, suites, or tenant spaces.**
- (2) Keys to locked mechanical rooms.
- (3) Keys to locked electrical rooms.
- (4) Keys to fire control panels.
- (5) Keys to sprinkler rooms.
- (6) Keys to boiler/utility rooms.
- (7) Keys to elevator control rooms.
- (8) Keys to other areas as directed by the Fire Official.
- (9) Pertinent building information or emergency notification information may also be required to be contained in the key vault/lock box or other location as determined by the Fire Official.
- (10) Pass/reset codes for any fire alarm system.

F. Any gate, chain, or barrier installed across or intended to protect a fire lane or fire road shall be secured by an approved Knox padlock or other rapid-entry device approved by the Fire Official.

G. [Fines and penalties. Any person violating this section's provisions after receiving a prior written warning notice from the Fire Official shall be subject to a fine of \$500 for each violation.] Any violation of this section shall be subject to the penalties set forth in § 115-23.

SECTION 5. Chapter 115, "Fire Prevention," Section 115-17, "Smoke detectors, carbon monoxide detectors, and portable fire extinguisher compliance in residential dwellings; inspection fees; violations and penalties," is hereby amended as follows:

§ 115-17. Smoke [detectors] alarms, carbon monoxide [detectors] alarms, portable fire extinguisher, and secondary power source identification label compliance in residential dwellings; inspection fees; violations and penalties].

A. The Fire Prevention Bureau shall inspect all residential occupancies subject to inspection under applicable State law and regulations for compliance with the required number of approved smoke [detectors] alarms, carbon monoxide [detectors] alarms, portable fire extinguishers, and, where applicable, secondary power source

identification labels, in accordance with the Township of Wyckoff ordinances and the New Jersey Uniform Fire Code.

- B. Fire Prevention Bureau inspection shall occur prior to the time of resale, renting, or change of occupancy for residential purposes **where required by applicable State law and regulations**. Upon inspection, a certificate of smoke **[detector] alarm**, carbon monoxide **alarm**, **portable fire extinguisher**, and secondary power source identification label compliance **[(CSDCMAPFEC)]** shall be issued by the Fire Official.
- C. Where applicable, smoke **[detectors] alarms** and carbon monoxide **[detectors] alarms** may be battery-operated units, **hardwired units, or other units as permitted by applicable State law and regulations**, as approved by the Fire Official. Smoke **[detectors] alarms**, carbon monoxide **[detectors] alarms**, and **portable fire extinguishers** shall be UL-listed, FM-approved, or carry the seal of an authorized recognized approval agency.
- D. Smoke **[detectors] alarms** and carbon monoxide **[detectors] alarms** shall be installed as recommended by the manufacturer and approved by the Fire Official or his authorized representative. **[Portable fire extinguishers shall be installed in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-4.19.]** Secondary power source identification labels shall be installed where required by applicable State law and regulations.
- E. **Portable fire extinguishers required by this section shall be an approved listed and labeled type with a minimum rating of 2A-10B:C and shall be either new or tagged by a fire protection company within the previous 12 months.**
- F. **Residential dwellings offered for sale. At the time of inspection, a portable fire extinguisher meeting the requirements of this section shall be present on the main level of the home. Mounting hardware and manufacturer's instructions shall be left for the new owner.**
- G. **Rental occupancies. A portable fire extinguisher meeting the requirements of this section shall be mounted in the kitchen area. The extinguisher may be mounted inside a cabinet or closet, provided that any cabinet door or closet door containing the extinguisher is labeled "Fire Extinguisher Inside." The owner's manual or manufacturer's instructions shall be made available to the new occupant.**
- [E.] H. The inspection fee for the issuance of a certificate of smoke **[detector] alarm**, carbon monoxide **alarm**, **portable fire extinguisher**, and

secondary power source identification label compliance for all residential dwellings, except multiple-family dwellings, shall be as provided in Chapter 113, Fees.

[F.] I. Reinspection fees. Fees for reinspecting any residential property, except multiple-family dwellings, shall be as provided in Chapter 113, Fees.

J. Any violation of this section shall be subject to the penalties set forth in § 115-23.

SECTION 6. Chapter 115, "Fire Prevention," is hereby amended to add a new Section 115-20, "Outside burning," as follows:

§ 115-20. Outside burning.

A. No person shall ignite, kindle, maintain, or permit any outside burning within the Township of Wyckoff except in a contained and approved outdoor fireplace, fireplace, chiminea, fire pit, barbecue device, or other similar contained device approved by the Fire Official and otherwise permitted by law.

B. Open burning upon the ground or in an unapproved container, including but not limited to the burning of leaves, brush, tree limbs, yard waste, rubbish, garbage, construction debris, or similar materials, is hereby prohibited.

C. Any outside burning permitted by this section shall be constantly attended by a competent adult and shall be conducted in a manner so as not to create a fire hazard, smoke hazard, nuisance, or danger to adjacent property or the public. Suitable extinguishing equipment shall be readily available at all times.

D. Nothing herein shall be construed to authorize any burning prohibited by State law or regulation or any burning for which a permit or approval is required by any State agency unless such permit or approval has first been obtained.

E. Commercial outside burning shall require a fire safety permit where required by the New Jersey Uniform Fire Code. The Fire Official may require Fire Prevention Bureau presence, Fire Department standby, or other fire safety measures as a condition of any such permit or approval. The owner, tenant, occupant, applicant, or other responsible party shall reimburse the Township for all costs associated with any Fire Prevention Bureau presence, Fire Department standby, or other required fire safety measures provided by the Township.

F. The Fire Official, Police Department, or other authorized enforcing official may order any outside burning extinguished whenever, in their judgment, the burning is hazardous, not properly contained, unlawful, creates excessive smoke, or otherwise constitutes a nuisance or danger.

G. Any violation of this section shall be subject to the penalties set forth in § 115-23.

SECTION 7. Current Chapter 115, “Fire Prevention,” Section 115-20, “Pyrotechnic devices prohibited,” is hereby renumbered as Section 115-21 and amended as follows:

§ 115-~~20~~21. Pyrotechnic devices prohibited.

It shall be unlawful for any person to ignite, display, possess, or use in any manner whatsoever, within any commercial structure, pyrotechnics, sparklers, and smoke/fog machines, **except as authorized by applicable law, permit, or approval of the Fire Official.**

Any violation of this section shall be subject to the penalties set forth in § 115-23.

SECTION 8. Current Chapter 115, “Fire Prevention,” Section 115-21, “Appeals,” is hereby renumbered as Section 115-22 and amended as follows:

§ 115-~~21~~22. Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act (N.J.S.A. 52:27D-206 and 52:27D-208), any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Bergen County Construction Board of Appeals.

Exempted from the provisions of this section are any testing or training exercises conducted by the Fire Prevention Bureau, the Volunteer Fire Department, or other recognized fire brigade.

[Any person violating this section shall be subject to a penalty of \$1,000 per occurrence, payable to the Fire Prevention Bureau Penalty Account.]

SECTION 9. Chapter 115, “Fire Prevention,” is hereby amended to add a new Section 115-23, “Violations and penalties,” as follows:

§ 115-23. Violations and penalties.

- A. Unless a different penalty is specifically provided in this section or otherwise required by the New Jersey Uniform Fire Code or other applicable law, any person violating any provision of this chapter shall, upon conviction, be subject to the penalties set forth in Chapter 1, § 1-15 of the Code of the Township of Wyckoff.**
- B. Violations of § 115-9.1 (false alarms from multifamily residential complexes, business, commercial, eleemosynary, and/or industrial premises) shall be penalized as follows:**
- (1) First false alarm within a calendar year: warning only.**
 - (2) Second false alarm within a calendar year: warning only.**
 - (3) Third false alarm within a calendar year: \$200.**
 - (4) Fourth false alarm within a calendar year: \$300.**
 - (5) Fifth false alarm within a calendar year: \$500.**
 - (6) Sixth and each subsequent false alarm within a calendar year: \$1,000.**
- C. Violations of § 115-9.1 (false alarms from single-family detached dwellings, individual townhouses, and condominium unit dwellings) shall be penalized as follows:**
- (1) First false alarm within a calendar year: warning only.**
 - (2) Second false alarm within a calendar year: warning only.**
 - (3) Third false alarm within a calendar year: \$100.**
 - (4) Fourth false alarm within a calendar year: \$200.**
 - (5) Fifth false alarm within a calendar year: \$300.**
 - (6) Sixth and each subsequent false alarm within a calendar year: \$500.**
- D. Any person, firm, company, or corporation violating § 115-9.1 by causing a false alarm as the result of installing, repairing, testing, tampering with, or performing any work to an automatic fire alarm, smoke alarm, fire sprinkler, water flow alarm, carbon monoxide alarm system, or as a result of structural alterations, renovations, remodeling or construction shall be subject to a penalty of not less than \$200 nor more than \$1,000 for each false alarm.**
- E. Violations of § 115-10 (interference with fire systems prohibited) shall be punishable by a fine of \$500 per day per violation. Each day that the violation continues shall constitute a separate offense.**
- F. Violations of § 115-12 (hydrant use and approval) shall be punishable by a penalty of not more than \$500 for each violation.**
- G. Violations of § 115-15 (street obstructions, fire lanes, fire zones, and fire roads) shall be punishable by a penalty of not more than**

\$500 per day per violation. Each day that the violation continues shall constitute a separate offense.

H. Violations of § 115-16 (rapid entry system) shall be punishable by a fine of \$500 for each violation.

I. Violations of § 115-18 (doors and stairwells) shall be punishable by a penalty of \$200 for each violation.

J. Violations of § 115-19 (filming permit) shall be punishable by a penalty of \$500 for each violation.

K. Violations of § 115-20 (outside burning) shall be penalized as follows:

(1) First offense within a twelve-month period: warning or fine not exceeding \$250.

(2) Second offense within a twelve-month period: not less than \$250 nor more than \$500.

(3) Third and each subsequent offense within a twelve-month period: not less than \$500 nor more than \$1,000.

(4) Each day that a violation continues after notice to abate shall constitute a separate offense.

L. Violations of § 115-21 (pyrotechnic devices prohibited) shall be punishable by a penalty of \$1,000 per occurrence.

M. All penalties assessed under this chapter may be in addition to, and not in lieu of, any enforcement action, abatement remedy, permit revocation, injunctive relief, or penalty authorized by the New Jersey Uniform Fire Code or other applicable law.

SECTION 10. Chapter 113, "Fees," Article III, "Fire Prevention Fees," Section 113-15, "Fee schedule," is hereby amended to update the Chapter 115, § 115-17 fee entries as follows:

Chapter	Section	Purpose of Fee	Fee
Chapter 115, Fire Prevention	<u>[\$ 115-17E] § 115-17H</u>	Inspection fees	
		<u>Requests for a [CSACMAPFEC] certificate of smoke alarm, carbon monoxide alarm, portable fire extinguisher, and secondary power source identification label compliance</u>	\$90

Chapter	Section	Purpose of Fee	Fee
		received more than 10 business days prior to the [change of occupant] requested inspection date	
		Requests for a [CSACMAPFEC] certificate of smoke alarm, carbon monoxide alarm, portable fire extinguisher, and secondary power source identification label compliance received 4 to 10 business days prior to the [change of occupant] requested inspection date	\$145
		Requests for a [CSACMAPFEC] certificate of smoke alarm, carbon monoxide alarm, portable fire extinguisher, and secondary power source identification label compliance received fewer than 4 business days prior to the [change of occupant] requested inspection date	\$205
	<u>[\$ 115-17F]</u> <u>§ 115-17I</u>	Reinspection fees	
		[1st and 2nd reinspection]	[\$50]
		[3rd reinspection]	[\$100]
		[4th reinspection]	[\$150]
		<u>Each reinspection</u>	<u>\$75</u>

SECTION 11. All other provisions of Chapters 113 and 115 not amended herein shall remain unchanged.

SECTION 12. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 13. This ordinance shall take effect upon final passage and publication as required by law.