

PLEASE TAKE NOTICE the following ordinance was introduced and passed on first reading at the August 6, 2018 meeting of the Mayor and Borough Council and will be considered for second reading and final passage during the meeting scheduled to begin at 8:00 p.m. on August 20, 2018 in the Municipal Building, located at 555 Brighton Avenue, Spring Lake Heights, at which time and place any person desiring to comment on this ordinance will be given the opportunity to be heard. A copy of the ordinance is available in the clerk's office.

Janine Gillis, Borough Clerk

**BOROUGH OF SPRING LAKE HEIGHTS
ORDINANCE NO. 2018-10**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XI ENTITLED "FIRE PREVENTION" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS**

Chapter XI of the General Ordinances of the Borough of Spring Lake Heights is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1:

11-1 STATE UNIFORM FIRE SAFETY ACT ENFORCING AGENCY.

11-1.8 Permits.

The permit fees for Types 1, 2, 3 and 4 of the Borough of Spring Lake Heights as authorized by the Uniform Fire Code. are as follows:

| | | |
|--------|---|--------------------|
| Type 1 | - | \$42.00 |
| Type 2 | - | \$166.00 |
| Type 3 | - | \$331.00 |
| Type 4 | - | \$497.00 |

~~(N.J.S.A. 5:70-2.9)~~

~~(Ord. #10-1985, § 8; New)~~

11-2 ADDITIONAL REQUIRED INSPECTIONS AND FEES.

11-3 KEY LOCK BOX SYSTEM.

- a. ~~Applicability.~~ All public buildings, business or commercial properties within the Borough of Spring Lake Heights, which have an automatic fire alarm system or a fire sprinkler system shall be equipped with a key lock box. Multi-family residential structures consisting of three (3) or more living units that have restricted access through locked doors and have a common corridor for access to the living units, shall also be equipped with a key lock box.

- ~~b. *Exception.* This requirement shall be voluntary for single-family residential or owner occupied one and two-family dwellings.~~
- ~~c. *Approval of Fire Official.* The key box shall be UL type and approved by the Spring Lake Heights Fire Official.~~
- ~~d. *Key Box Contents and Installation.* The rapid entry key box may be required to contain any of the following, as shall be determined by the Fire Official:~~
- ~~1. Key to locked points of ingress, whether on interior or exterior of such buildings.~~
 - ~~2. Keys to the locked mechanical rooms.~~
 - ~~3. Keys to the locked elevator rooms.~~
 - ~~4. Keys to the elevator controls.~~
 - ~~5. Keys to any fence or secured areas.~~
 - ~~6. Keys to any other areas.~~
 - ~~7. All access or combination codes to locked points of egress or ingress, whether on interior or exterior of such buildings.~~
 - ~~8. A floor plan of the rooms within the building.~~
 - ~~9. A card containing the emergency contact people and phone numbers for such building.~~
- ~~e. *Time for Compliance.* All existing buildings shall comply with this section six (6) months from its effective date.* All newly constructed buildings, not yet occupied or buildings currently under construction and all buildings or businesses applying for a Certificate of Occupancy, shall comply immediately, whether commercial or residential.~~
- ~~f. *Associated Costs.* All associated costs for the purchase and installation of a key box(s) shall be assumed by the property owner.~~
- ~~g. *Penalties.* Any person who owns or operates a structure subject to this section shall, after receiving due notice by the Fire Official, be subject to the penalties set forth in subsection 1-5.1, provided that a minimum fine shall be not less than one hundred (\$100.00) dollars.~~
- ~~—(Ord. #12-2006, § 1)~~

11.3 KEY LOCK BOX SYSTEM

- a. Where required. In all buildings regardless of use or occupancy, which are protected by an automatic alarm system and/or a fire sprinkler system, the owners and/or management agents shall install a key box, of a type and in a location approved by the Fire Official. The following are exempt from this requirement: all properties protected by an on-site, 24 hours per day/seven days per week guard service; all properties having employees on duty and/or on site 24 hours per day/seven days per week; multiple-family dwellings containing six or less individual occupancies; and single-family homes.
- b. For all buildings where installation is not required under the provisions of subsection (a), such installation shall be permissible but not required. If the owner or management agent of a property which is not required to install a key box elects to do so, said owner or management agent shall be obligated to meet all criteria specified for buildings where key box installation is required.

- c. Upon examination of the physical condition and characteristics of any property subject to this section, and upon written notice to the owner and/or principal occupant thereof, the Fire Official may require a key box to be installed in a specific location whenever access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes.
- d. Cabinet-style vaults shall be required when deemed necessary by the Fire Official at premises containing hazardous materials which require Material Safety Data Sheets (MSDS), site plans, and floor plans.
- e. Owners and operators of controlled vehicle parking areas which use mechanical parking gates to control motor vehicle ingress and egress shall install and maintain an emergency override control on each gate. Said emergency override control devices shall contain a mater key-operated type switch approved by the Fire Official.

11.3.1 CONTENT AND SPECIFICATIONS

- a. Key boxes shall include two separate sets of keys. Each set shall contain the following individually labeled keys:
 - 1. Keys to the locked point of egress whether on the interior or exterior of such buildings;
 - 2. Keys to locked mechanical rooms;
 - 3. Keys to locked electrical rooms;
 - 4. Keys to fire alarm panels;
 - 5. Keys to elevator controls, if elevators are present and equipped with a fire department bypass switch;
 - 6. Keys to other areas in the building as directed by the Fire Official.
- b. In addition, the key box shall contain the following:
 - 1. A current list of personnel and telephone numbers for call back purposes in the event of an emergency.
 - 2. A written direction card shall be located in the key box indicating the location of Right to Know records and Material Safety Data Sheets (MSDS) where applicable.
- c. The lock or key box to be installed in the structure shall meet the following specifications:
 - 1. UL 437 – Standard for Safety Keylock;
 - 2. UL 1610 – Standard for Central Station Alarm Units for use with UL Listed Alarm Systems;
 - 3. UL 1037 – Standard for Anti-Theft Alarms and Devices.

11.3.2 SECURITY

The Division of Fire and the Bureau of Fire Prevention shall adopt procedures for protecting the integrity and security of the master keys/system which allow access to key boxes. Procedures shall include, but not be limited to: a definition of authorized uses and users of the system; specific means of access to the system; protection against unauthorized or uncontrolled use of mater keys or master key systems; secure storage systems for master keys; a system for release and control of master keys; the recording of individuals having access to the master key, including data, time and location of access; and protections and safeguards against unauthorized duplication of master keys or access system.

11.3.3 ENFORCEMENT.

- a. In the event that locks on the subject building are changed after the installation of the key box, the Fire Official shall be notified of such change and a key(s) to the new lock(s) shall be provided immediately. Failure to provide notification and new key(s) shall be a violation of this Chapter

11.4 FALSE ALARMS/NOTIFICATION.

- a. Fire Alarms. The Fire Official or designated Fire Inspector shall investigate, or cause to be investigated, the activation of any fire alarm, fire detector or fire protection system occurring with the Borough to determine the cause for such activation and determination if the device and/or equipment have been properly restored to full service.
- b. Failure to Report. It shall be a violation for any person or persons, having knowledge of same, to fail to report to the Fire Department and/or the Fire Official the activation of any fire protection system or device or to fail to report the occurrence of any fire or attempted arson or to fail to report the spill or leakage of any flammable or combustible liquid or gas or any hazardous materials immediately upon gaining such knowledge.
- c. Define Fire Alarms; False Alarms; Nuisance Alarm.
 1. Fire alarm shall be defined as the giving, signaling or transmission to any public fire station, or company or to an officer or employee thereof, whether by telephone spoken word or otherwise, of information to the effect that there is a fire at or near the place indicated by the person giving, signaling or transmitting such information.
 2. False alarm shall be defined as the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.
 3. Nuisance alarm shall be defined as an alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or an alarm activated by a cause that cannot be determined.
 4. Penalty. Any person who maintains or permits to be maintained, any mechanical or electronic fire alarm device which transmits more than three (3) false or nuisance fire alarms (excluding line-trouble signals) within any consecutive twelve (12) month period, after written notification by the Fire Prevention Bureau, shall be punished by a fine of two hundred fifty (\$250.00) dollars for the fourth offense. For subsequent false or nuisance fire alarms after the fourth offense in the same calendar year, the fines will progressively increase for each additional offense. In not event, however, shall the five exceed five hundred (\$500.00) dollars for any one occurrence. All penalties shall be in addition to any court costs that may be required.

11-5 FIREWATCH/FIRE STAND BY.

- a. Whenever the Fire Official or designated Fire Inspector shall determine that on-site fire inspector(s) or firefighting personnel shall be required for fire watch as a result of

- fire protection system failure or deficiencies. Or fire safety at any occupancy or event to insure the safety of the public or emergency responders, the owner or occupant responsible shall obtain a permit for the use or event.
- b. The Fire Official or designated Fire Inspector shall determine the number of inspectors and/or firefighting personnel required.
 - c. The fire Official or designated Fire Inspector shall determine the hours that the fire inspector(s) and/or firefighting personnel will be on duty.
 - d. The permit fee shall cover the expenses incurred by the Bureau of Fire Prevention and the Borough.
 - e. The fee for the permit shall include:
 1. Compensation for fire personnel at thirty-five (\$35.00) dollars per hour Monday through Friday 7:00 a.m. to 3:00 p.m., fifty (\$50.00) dollars per hour for holidays, Saturdays, Sundays, and from 3:00 p.m. to 7:00 a.m. weekdays.
 2. Reimbursement rates for other related services, equipment, or expenses shall be provided to the owner by the Fire Official or designated Fire Inspector prior to the scheduled use or event.
 3. The Fire Official or designee(s) shall have the right of access to the premises and area surrounding it without interference from the property owner.
 4. Failure to secure a permit shall be punishable by a penalty equal to the amount of the permit plus one hundred (\$100.00) dollars for the first offense, amount of the permit plus two hundred (\$250.00) dollars for the second offense, amount of the permit plus five hundred (\$500.00) dollars for the third and each subsequent offense.
 5. A permit shall be required for each separate event or date of the activity requiring such a permit.
 6. Any occupancy or event requiring fire apparatus and firefighting personnel on site to insure the safety of the public and/or other occupants, and/or to insure the safety of any building and/or exposures shall reimburse the appropriate fire district. Fees shall be one hundred fifty (\$150.00) dollars per required fire apparatus unit per occurrence and twenty-five (\$25.00) dollars per hour per firefighter manning apparatus.

11.6 BLOCKING OF FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS.

- a. It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict he access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes, or on private property. Minimum clearance to any fire hydrant or connection shall be ten (10') feet in all directions.

11.7 FIRE LANES.

- a. Requirement, Designation. Fire lanes shall be designated as follows for the efficient and effective use of the fire apparatus, access for firefighting, and/or the egress of occupants.
- b. Where Needed. The Fire Official may establish fire areas on property devoted to public and private use, in accordance with N.J.A.C. 5:70-3.2(a)3, F-311.1, including but not by way of limitation shopping centers, strip malls, bowling alleys, drive-in theaters, house of worship, swimming pools, offices, warehouses, factories, restaurants, nightclubs, etc. and similar uses.

- c. Existing Fire Lanes. Any and all fire lanes created by prior ordinance are hereby continued in effect and when repairs or modifications are made to such fire lanes, they shall be brought into conformity with this code, as much as shall be practical in the appropriate Fire Official's judgment. The standard for exercise of said judgment shall conform to those contained in subsections 28-1.13.6a. and b. above.
- d. Markings. The owner shall, within thirty (30) days of being given a notice to do so by the Fire Official, mark the lane(s) as follows:
1. Signs, with minimum dimensions of 12' 18", constructed of metal and with raised red letters a minimum of two (2") inches in size on a white background shall be posted at level of at least seven (7') feet above grade, indicating "FIRE LANE NO PARKING". Spacing of signs shall be even with a minimum of one (1) sign for every one hundred (100') feet of fire lane or part thereof, or as ordered by the Fire Official. All signs and markings must be unobstructed and visible for a distance of at least one hundred (100') feet when viewed from a position approximately five (5') feet above the ground while in the fire lane.
 2. The area of the fire lane on improved areas shall be delineated along its entire length with yellow lines eighteen (18") inches in width. Between the yellow lines shall be marked "NO PARKING FIRE LANE" in yellow letters eighteen (18") inches in height. The number of times this wording is to be repeated shall be at the discretion of the Fire Official, with the recommended spacing to be at one hundred (100') foot intervals and spaced so as to be between and alternate with metal sign required above. If the designated fire lane abuts a curb, the curbing shall be yellow in color where it abuts the fire lane.
- e. Definitions: For the purpose of fire lane enforcement, the following terms are defined:
1. Fire area shall mean the same as fire lane.
 2. Fire lane shall mean an area necessary to provide safety for the public or to provide proper access for the Fire Department operations in the event of an emergency.
 3. No parking shall mean that a vehicle may not be parked within the designated area unless loading or unloading passengers or materials with a time limit of three (3) minutes.
- f. Size. Fire lanes for vehicle access shall be a minimum of eighteen (18') feet in width or as approved by the Fire Official. Fire lanes for egress of occupants shall be a minimum of at least the width of the exit way served.
- g. Notification. Once a fire lane has been designated by the Fire Official, approved as provided above and properly marked by the owner of the premises, the Fire Official shall notify the Police Department, Construction Department, and Municipal Court Administrator in writing of the existence and location of the designated fire lane(s).
- h. Restricted Areas. Gates, chains or other approved methods utilized to prevent unauthorized access to fire lanes shall be approved by the Fire Official prior to installation, provided such restrictions will not impede access by firefighting apparatus. The Fire Official shall determine whether any changes or deviations from the appropriate methods be utilized.
- i. Installation, Maintenance. Fire lanes shall be installed and maintained by the owner of the premises or a designee in conformity with the provisions of this subsection. Fire lanes in existence prior to the enactment of this subsection shall be required to conform to the provisions herein at the discretion of the Fire Official. Fire lanes must be accessible for fire apparatus use at all time.

(Editor's Note: Subsection 28-1.13.6 wa adopted June 7, 2017 by Ordinance No 2017-13).

- j. Parking, Standing and Obstruction Prohibited. Designated fire lanes shall be maintained free of snow and obstructions, including vehicles, at all times.
- k. Notice of Violation. The Fire Official or designated Fire Inspector(s) may complete a Municipal Summons, or a Notice of Violations, which shall be issued to offenders by personally serving same upon any offender, or if the offender is not attendant to the vehicle(s), shall leave the notice under the windshield wiper or otherwise attached to the vehicle(s) in a manner reasonably calculated to ensure receipt of same by the offender.
- l. This subsection shall supersede any and all provisions of any other ordinance promulgated for enforcement of parking in fire lanes. Enforcement shall only be done by personnel from the Borough of Spring Lake Heights. Personnel enforcing these provisions shall be either uniformed or carry appropriate identification.

11-8 OPEN BURNING.

- a. Open burning for any reason is hereby prohibited except where permits have been obtained from the Fire Official. Open burning is defined as the burning of any material, in anything other than a listed approved device, or in an uncontained manner.

11-9 ENFORCEMENT, VIOLATIONS, AND PENALTIES.

- a. Any owner, agency, or person or corporation who shall violate any provision of this Chapter or fail to comply therewith or with any of the requirements thereof, shall be subject to a penalty to be determined by the Fire Official. The effective date of the enforcement provisions set forth in this section shall be twelve (12) months for existing structures and twenty (20) days from the passage of this amendment for new structures.
- b. The Fire Official of the appropriate Local Enforcing Agency shall be responsible to enforce this Chapter as an amendment to N.J.A.C. 5:70 et seq., and penalties may be assessed as provided in the New Jersey Uniform Fire Prevention Code.
- c. The maximum penalty for violation of any provision of this Chapter shall be one thousand (\$1,000.00) dollars or imprisonment for a period not exceeding ninety (90) days or both, in the discretion of the Municipal Court Judge. Any fines collected shall be forwarded to the Spring Lake Heights Fire Prevention Bureau.
- d. Each and every day in which a violation of any provision of this Chapter exists shall constitute a separate violation.
- e. The maximum penalty state in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all may be appropriate for a particular case or violation, and shall be mandated where a specific penalty is set forth in each subsection herein above.

11-10 COMPLIANCE WITH ORDERS.

A person shall not willfully fail to refuse to comply with any lawful order or direction of the Fire Official or to interfere with the compliance attempts of another individual.

SECTION 2: REPEALER All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 3: SEVERABILITY If any section, paragraph, subdivision, clause or provision of this Ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4: EFFECTIVE DATE
and publication according to law.

This Ordinance shall take effect upon its passage