ORDINANCE #2453
An Ordinance to Amend the Revised General Ordinances of the Township of Bernards
Chapter 14, “Fire Prevention”

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that
Chapter 14 “Fire Prevention” of the Revised General Ordinances of the Township of Bernards is amended.
(new text is in double underline; deletions are stricken)

§ 14-1.1 Local Enforcement.
[Ord. #1379, 3-27-2001, adopted]
Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code shall be locally enforced in the Township of Bernards. This chapter supplements the State Uniform Fire Safety Act and the rules and regulations promulgated thereunder.

§ 14-1.2 Definitions
The definitions contained within the New Jersey Uniform Fire Code shall be included herein by reference and shall be applicable to this chapter.

Agricultural Burning – the burning of herbaceous or infested plant life, the burning of orchard pruning’s and cuttings, prescribed burnings and the clearing of agricultural land by burning

Annual Mobile Food Vendor Permit - a permit issued by the Fire Official for a Mobile Food Vendor who may be operating in Bernards Township several times in a calendar year. An Annual Mobile Food Vendor Permit will only be available for a calendar year expiring on December 31st of that year.

Daily/Single Event Mobile Food Vendor Permit – a permit issued by the Fire Official for a daily, single use of a Mobile Food Vendor.

Fire Alarm System – A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Fire Lane – Shall mean a road or other passageway developed to allow the passage of fire apparatus. A Fire Lane is designated by the Fire Official and properly posted and marked in accordance with this chapter. The terms Fire Lane and Fire Zone shall be interchangeable.

Fire Official – Shall mean a person certified by the Commissioner of the Department of Community Affairs and appointed by the Township Committee. The terms Fire Official and Fire Marshal shall be interchangeable.

Grease Laden Vapors – vapors produced when cooking and/or preparing foods that contain animal fat, vegetable shortening, and other such oily matter.
Mobile Food Vendor – a unit of closed construction designed to be driven or towed from place to place, with
equipment to cook, prepare, serve, or sell food. This shall include but not limited to mobile canteens, food
trucks, food trailers, and food carts.

Open Burning – The burning of materials wherein products of combustion are emitted directly into the
ambient air without passing through a stack or chimney from an enclosed chamber.

Outdoor Fireplace – an outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay,
or other noncombustible material. An outdoor fireplace may be portable, open in design, or may be equipped
with a small hearth opening and a short chimney or chimney opening in the top.

Permit – An official document or certificate issued by the Fire Official that authorizes performance of a
specified activity

Recreational Fires – An outdoor fire burning materials other than rubbish where the fuel being burned is not
contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill, or barbeque pit and
has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious,
ceremonial, cooking, warmth or similar purposes.

§ 14-1.32 Agency Designation.
[Ord. #1379, 3-27-2001, adopted]

The local enforcing agency shall be the Bernards Township Bureau of Fire Prevention. The terms Bureau of
Fire Prevention and Bureau of Fire Safety shall be equally recognized within this chapter and shall be
interchangeable.

§ 14-1.43 Duties.
[Ord. #1379, 3-27-2001, adopted]

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations
adopted under it in all buildings, structures and premises within the established boundaries of the Township
of Bernards and shall faithfully comply with the requirements of the Uniform Fire Safety Act and Uniform
Fire Code.

§ 14-1.54 Life Hazard Use.
[Ord. #1379, 3-27-2001, adopted]

The local enforcing agency established by this section shall carry out the periodic inspections of life hazard
uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

§ 14-1.65 Organization.
[Ord. #1379, 3-27-2001, adopted]

The local enforcing agency established by this section shall be the Bernards Township Fire Prevention
Bureau and the Fire Official shall serve as the Chief Administrator.

§ 14-1.76 Appointments; Term of Office; Removal.
[Ord. #1379, 3-27-2001, adopted]

a. Appointment of Fire Official. The Fire Official shall be under the direct supervision of the Township
Engineer and shall be appointed by the Township Committee with consideration to the recommendation
of the Township Administrator and Director of Human Resources in accordance with Chapter 2 of the
Bernards Township General Ordinances. [Ord. #1839, 1-24-2006, amended]
b. Term of Office. The Fire Official shall serve for a term of one year from January 1 in the year in which his appointment is made.

c. Inspectors and Employees. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Township Committee upon the recommendation of the Fire Official, Township Administrator and Director of Human Resources. [Ord. #1839, 1-24-2006, amended]

d. Identification Card. An identification card over the signatures of the Mayor and Township Clerk with the Township Seal thereunto affixed shall be issued to the Chief Inspector and each Deputy Inspector, and the identification cards shall be prima facie evidence of the authority of such Fire Official and inspectors to act hereunder and enforce this chapter. The Fire Official and inspectors of the enforcing agency shall be issued a Township identification card and shall be subject to carry said identification at all times as evidence of the authority of the local enforcing agency.

e. Removal from Office. The Fire Official, inspectors and other employees of the enforcing agency shall be subject to removal by the Township Administrator for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer in accordance with the Township's Employee Handbook of Personnel Policies and Procedures, Employee Rights and Obligations, Disciplinary Actions Procedures and Termination. [Ord. #1839, 1-24-2006, amended]

SECTION 14-2
Bureau of Fire Prevention
RESERVED

[This section (Section 14-2) will be held in reserve until the body that this section refers to is organized and develops operational details, i.e., title, Chairman, Secretary, operational guidelines, etc.]

SECTION 14-3
Permits, Additional Fees and Inspections

§ 14-3.1 Permits.

a. Permits shall be required and obtained from the Bernards Township Bureau of Fire Prevention for activities specified in N.J.A.C. 5:70-2.7. The permit fees established by the New Jersey Uniform Fire Code shall be the required permit fees as provided in N.J.A.C. 5:70-2.9 (c). All permit applications shall be submitted a minimum of two weeks prior to the activity date. Failure to submit the application two weeks prior will result in denial of the application. The Fire Official may revoke a permit or approval issued under the provisions of the NJ Uniform Fire Code if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

§ 14-3.2 Additional Required Inspections and Fees.
In addition to the inspection and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections shall be required:

a. All public buildings and premises into which the public is invited, including multifamily dwellings as well as commercial and industrial establishments, and all public and private schools.
b. Such fees as may be determined by the Fire Prevention Bureau may be adopted by resolution of the Township Committee. [Ord. #1379, 3-27-2001, adopted]

c. Whenever the Fire Official or his representative is required to attend an event being held within the Township during non-normal business hours of the Fire Official, a fee of $75 per hour shall be paid by the organizer of such event to the Township, based upon the number of hours the Fire Official or his representative is required to attend such event, with a minimum of two hours to be charged for each such event. Events sponsored by the Township of Bernards, the Bernards Township Board of Education; and the Fire and Rescue Services of the Township of Bernards shall be exempt from this charge. [Ord. #2137, 12-14-2010, added]

§14-3.3 Mobile Food Vendors

a. Permits

Mobile Food Vendors that utilize an open flame, fuel burning appliances, or that produce grease laden vapors shall submit a permit application each time they operate. All permit applications shall be submitted a minimum of two weeks prior to the date of operation. Individual permits shall be issued to specific mobile unit and shall not approve operation of multiple mobile units. All permit applications shall include identifying information for the mobile unit corresponding to each individual permit application.

A daily/single event permit for a Mobile Food Vendor can be acquired as per §14-3.1 and §14-3.2.

Vendors Operating throughout a calendar year are eligible for an Annual Mobile Food Vendor permit. An annual Mobile Food Vendor permit shall expire on December 31st of the same year of permit application. The fee for an annual Mobile Food Vendor permit is $500.00.

b. Inspections

No Mobile Food Vendor shall operate within the borders of Bernards Township without first having apply for a permit and pass a fire inspection by the Bernards Township Bureau of Fire Prevention prior to beginning the operation. Annual Mobile Food Vendor permits require daily inspection prior to operation. Every day of operation shall be considered a separate operation and requires a distinct inspection. Inspection violations of the New Jersey Uniform Fire Code shall constitute an order to close the Mobile Food Vendor and immediately remove the operation from Bernards Township. Should an inspection reveal violations of the New Jersey Uniform Fire Code following the initial issuance of an annual Mobile Food Vendor permit, the Fire Official may to revoke any such permit.

SECTION 14-3A

Smoke Detection, Carbon Monoxide Detection Devices, and Fire Extinguishers in Residential Premises

Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance

§ 14-3A.1 Definitions.
Any building of Use Group R-2, R-3, R-4, or R-5, or portion thereof, that is sold, lease, or otherwise made subject to a change of occupancy for residential purposes shall have a Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance (CSACMAPFEC) obtained by the owner prior to said change of occupancy in accordance with N.J.A.C. 5:70-2.3 which evidences compliance with N.J.A.C. 5:70-4.19.

A structure used or intended to be used for residential purposes by not more than two households shall have a smoke-sensitive alarm device on each level of the structure. If the structure contains a fuel-burning appliance—of any type, a carbon monoxide detector is also required. If both are required, a smoke detector and carbon monoxide detector shall be located outside each separate sleeping area in the immediate vicinity of the bedrooms, in accordance with N.J.S.A. 52:27D-192 and N.J.A.C. 5:70-2.3 et seq. Smoke detectors and carbon monoxide detectors must be located in accordance with the NFPA Standard listed in N.J.A.C. 5:70 and maintained in good working order. Notwithstanding the provisions of Section 14-1 of this chapter, this section shall not be enforced except pursuant to Subsection 14-3A.4 below.


Smoke and carbon monoxide detectors, as required by this section, shall be in compliance with the standards of the approved rating organization and shall be capable of being maintained by the person responsible for the occupancy of the residential dwelling unit. They shall consist of an assembly incorporating the detector, control equipment and the alarm sounding device in one unit. The detectors may be battery powered or electrically connected to the main panel box with battery back-up and shall be listed in accordance with ANSI/UL 217 listed in N.J.A.C. 5:70. Two or more single-station smoke detector or carbon monoxide assemblies may be interconnected so that the activation of one causes all integral or separate audible alarms to operate. Nothing in this section shall be construed to prohibit the installation of more complex smoke or carbon monoxide detection devices.

The following requirements shall be applicable to and satisfied by applicants for a CSACMAPFEC prior to the issuance of a Certificate of Compliance:

a. Smoke Alarms: Smoke Alarms shall be maintained in accordance with NFPA 72, their listing, and manufacturer specifications. Smoke Alarms shall be located as specified in N.J.A.C. 5:70-4.19. Smoke Alarms located and maintained in accordance with approvals contingent with a Certificate of Occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

b. Carbon Monoxide Alarms: Carbon Monoxide Alarms shall be maintained in accordance with NFPA 720, their listing, and manufacturer specifications. Carbon Monoxide Alarms shall be located as specified in N.J.A.C. 5:70-4.19. Carbon Monoxide Alarms located and maintained in accordance with approvals contingent with a Certificate of Occupancy issue in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

c. Portable Fire Extinguishers: A Portable Fire Extinguisher shall be installed and maintained in
accordance with N.J.A.C. 5:70-4.19(e).

d. Fire Alarm Systems: Residential premises that contain installed Fire Alarm Systems as defined in the Uniform Construction Code, may be required to submit documentation of testing and maintenance evidencing that the system is maintained in good working order prior to the issuance of a CSACMAPFEC. The Fire Official and his/her designee shall assure such documentation meets or exceed the criteria contained within NFPA 72. Fire Alarm Systems may only be substitute for requirements of N.J.A.C. 5:70-4.19 when installed in accordance with the State Uniform Construction Code Act and when received a proper Certificate of Approval or been installed prior to the receipt of a Certificate of Occupancy.

§ 14-3A.4 Certificate of Compliance.
[Ord. #1379, 3-27-2001, adopted]

In the case of a change of occupancy of any building Use Group R-2, R-3, R-4, or R-5 building or portion thereof subject to the requirements of Subsection 14-3A.4 of this section, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining a certificate evidencing compliance with this section. Where a certificate of occupancy is required under the land development chapter or other General Ordinances of the Township, it shall not be issued prior to the time the owner obtains the certificate of compliance.

§ 14-3A.5 Inspections.

The Fire Official of the Bureau of Fire Prevention and duly appointed Inspectors are hereby empowered to conduct the necessary inspections and to issue certificates of compliance as contemplated herein.

§ 14-3A.6 Fees.
[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended; Ord. #2334, 3-29-2016, amended]

A fee of $50 shall be paid by the owner prior to each inspection. If the inspection is requested within 10 days of the change of occupancy or ownership, a fee of $100 shall be paid. If the inspection is requested within four days of the change of occupancy or ownership, a fee of $150 shall be paid.

§ 14-3A.7 Notice.

The Tax Collector of the Township of Bernards shall provide to each person requesting a tax search from his or her office a statement calling attention to the provisions of this section, including the requirement that smoke detectors and carbon monoxide detectors be installed and the necessity of obtaining a certificate of smoke detector and carbon monoxide detector compliance prior to each change of occupancy.

§ 14-3A.8 Penalties.

Notwithstanding the provisions of section 14-6 of this chapter, an owner who sells, leases or rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this section shall be subject to a fine of not more than $500 which may be collected and enforced by the Fire Official through summary proceedings pursuant to the penalty enforcement law, N.J.S.A. 2A:58-1 et seq.
Non-Life Hazard Use Inspection Fees

§ 14-3B.1
[Ord. #1707, 3-9-2004, adopted; Ord. #2196, 6-12-2012, amended]

a. Whenever the Fire Official shall have cause to believe that a building or business would require an annual fire prevention inspection, and the building or business is not a life hazard use, the owner of the building or business, if not already registered, shall fill out a registration form provided by the Fire Prevention Bureau. Upon inspection of the building or business, the owner shall pay to the Fire Prevention Bureau, within 30 days of receiving the written notice of violation and order to correct accompanied by a written statement of fees due, the required amount. The fees shall be based upon the square footage of the use. The fees are as follows:

<table>
<thead>
<tr>
<th>Building Size in Square Feet</th>
<th>Annual Inspection Fee</th>
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<tbody>
<tr>
<td>0 to 500</td>
<td>$50.00</td>
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<tr>
<td>501 to 1,000</td>
<td>$75.00</td>
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<td>1,001 to 3,500</td>
<td>$150.00</td>
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<td>3,501 to 10,000</td>
<td>$300.00</td>
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<td>10,001 to 30,000</td>
<td>$500.00</td>
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<tr>
<td>30,001 and over</td>
<td>$800.00</td>
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b. Portions of churches and religious facilities used as sanctuaries and fire departments and first aid squads are exempt from fees.

SECTION 14-4
Procedure for 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 within 15 days to the Construction Board of Appeals of the County of Somerset. [Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]

SECTION 14-5
Violations

Any person violating any of the provisions of this chapter or of the New Jersey Uniform Fire Code or who, failing or neglecting to obtain the necessary permit or license herein and hereby or in the code required, builds, erects, conducts or maintains any use, trade, business, establishment, premises, building, structure or improvement required to be licensed under this chapter or under the code, or who conducts or carries on any use, trade, business, establishment or premises contrary to the facts stated in his application for a permit or license or the plans filed therewith, or both, or in the license or permit granted therefore, or who falsely makes any misrepresentation in any application or writing required under this chapter or the code, or who fails and neglects to remedy a violation or nonobservance upon being notified by a representative of the Bureau of Fire Prevention to do so shall be guilty of a violation of this chapter and subject to the penalties hereinafter set forth. [Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]

SECTION 14-6
Penalties

§ 14-6.1

a. Any person violating any of the provisions of this chapter shall, for each offense, be subject to a fine as established in the New Jersey Uniform Fire Code and all applicable township ordinances.
b. Each day on which a violation occurs shall be deemed a separate offense and not a continuing violation.

c. Any person served with a notice that a violation occurs of which he is or may be guilty as provided in this chapter or in the New Jersey Uniform Fire Code and who does not abate the same as required herein or in the code and by the notice shall be guilty of a violation hereof and subject to the penalty of fine and/or imprisonment, as aforesaid, for each and every day following the period contained in the notice for the abatement thereof.

SECTION 14-7

Secured Opening Key Boxes

§ 14-7.1 Installation; Contents; Etc.

a. Installation. When a property is protected by an automatic alarm system, and access to or within a structure or an area on that property is impeded by secured openings, and where immediate access might become necessary for lifesaving or fire-fighting purposes, the Fire Official may require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Official and shall be installed at the expense of the property owner.

b. Contents. The key box shall contain:

1. Keys to locked points of ingress whether on the interior or exterior of such buildings.

2. Keys to locked mechanical equipment rooms.

3. Keys to locked electrical rooms.

4. Keys to elevator controls.

5. Keys to other areas as directed by the Fire Official.

6. Other material as directed by the Fire Official.

   All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.

c. Application. This subsection applies to both existing and future structures, but shall not apply to any residential units.

d. Approvals.

1. The Fire Official shall, within 90 days of the effective date of this subsection, develop and submit to the Township Committee a list of specifications for key boxes. Following approval of the specifications by resolution of the Township Committee, any box complying with those specifications shall be deemed to be approved as required by Paragraph a above. Until such specifications are developed and at any time thereafter, any property owner may request the Fire Official to render a determination as to whether a particular key box, which does not comply with the specifications, can be approved for installation.

2. Before installing any key box required by this subsection, the property owner shall make written request to the Fire Official to designate or approve the proposed location.
e. Fees. The Fire Prevention Bureau may determine appropriate fees for processing an application to determine whether a key box which does not comply with the specifications can be approved for installation and a request for designation or approval of proposed locations for key boxes. Such fees shall become effective upon adoption by resolution of the Township Committee.  \[Ord. \#1379, 3-27-2001, adopted\]

Section 14-8

Fire Lanes and Zones

§ 14-8.1 Designation.

The Fire Official, in consultation with the Township Engineer, may designate fire lanes and zones on private property to which the public is invited or which is devoted to public use, if such designation is necessary to provide safety for the public or to provide proper access for first responder operations in an emergency;

§ 14-8.2 Notification.

Whenever a proposed fire lane or zone has been designated, the Fire Official shall notify the owner of the property in writing by registered or certified mail, or by hand delivering notice, describing the area to be designated and the reason for the designation. Notification as specified in this section shall not be required when fire lanes or zones are designated through the land development approval process;

§ 14-8.3 Delineation.

Delineation of fire lanes and zones shall be completed by the owner at the owner's expense using signs and striping required by this section and shall be accomplished within thirty (30) days after receipt of the notification of designation. Upon approval of the completed delineation, the Fire Official shall maintain a description or plan of the fire lane on file in the Fire Prevention Bureau.

All fire lanes and zones shall be at a minimum delineated using signage and striping in the following manner:

A. Signs.

   (1) Signs shall be twelve (12) inches wide by eighteen (18) inches high with a minimum of two-inch high lettering.
   (2) White retroreflective material shall be used for the sign background in accordance with the current edition of the Manual on Uniform Traffic Control Devices.
   (3) Legend shall be red in color in accordance with the current edition of the Manual on Uniform Traffic Control Devices.
   (4) Signs, whether wall or post-mounted, shall be placed at the beginning and end of the lane or zone and at such intervals as required by the Fire Official, but not spaced more than one hundred (100) feet apart.
   (5) Whenever a fire lane changes angle or direction additional signs may be required at the discretion of the Fire Official or the Municipal Fire Subcode Official to ensure adequate visible signage along the fire lane.
   (6) Signs shall be placed at a height of seven (7) feet as measured from the ground surface to the bottom of the sign and placed perpendicular to the direction of the traffic flow so that the sign is facing oncoming traffic. If traffic flows in two (2) directions, signs shall be placed parallel to the direction of traffic flow. Signs may be placed upon existing supports. If a sign is placed on an existing support below an existing sign, the sign shall not project more than 4 inches into the pedestrian facility.
   (7) Signs shall read: "No Parking Fire Lane" or "No Parking Fire Zone."
   (8) A single-headed arrow shall point in the direction in which the regulation is in effect if the sign
is at the end of a lane or zone. A double-headed arrow pointing in both directions shall be used if the sign is at an intermediate point along a lane or zone.

B. Striping.

(1) Paint for pavement striping and lettering shall be yellow traffic paint.
(2) Fire lanes and zones shall be delineated by painting the curb yellow and by striping the lane or zone a minimum of twelve (12) feet wide or preferably eighteen (18) feet wide, if feasible, as designated and approved by the Fire Official.
(3) Each yellow diagonal stripe shall be four (4) inches wide and spaced five (5) feet apart throughout the lane or zone. The diagonal stripes should form an angle of approximately sixty (60) degrees with the longitudinal lines or curb that they intersect. The perimeter of the lane or zone shall also be striped with a four (4) inch yellow stripe.
(4) A striped legend of “No Parking Fire Lane” or “No Parking Fire Zone” shall be placed within the fire lane or zone facing away from the curb or wall at a minimum of one-hundred (100) -foot intervals, if so designated by the Fire Official, to further identify the area designated. The lettering of the striped legend shall be eighteen (18) inches high and placed within the center of the fire lane or zone.

§ 14-8.4 Existing Conditions

At the time of the enactment of this section, any and all properties within the township that exhibit fire lane or zone delineation other than in the manner specifically noted above, shall be held valid for the purposes of section § 14-8.7 if the fire lane or zone is clearly indicated as to its purpose.

§ 14-8.5 Maintenance

As fire lane or zone signs, striping, and all else necessary for delineation weathers, fades, and otherwise becomes damaged, illegible, or subject to maintenance, alteration, or replacement, it shall be the responsibility of the property owner, at their own expense, to ensure that all fire lanes and zones are brought into compliance with § 14-8.3. The Fire Official may notify the owner of any delineation in need of maintenance, and the owner shall then have thirty (30) days to comply with the maintenance request.

§ 14-8.6 Fire Hydrants and Fire Department Connections

Immediate access to Fire Department Connections, public and private fire hydrants shall be maintained at all times without any obstruction. A working space clearance of not less than 36 inches in width and 36 inches in depth and 78 inches in height shall be provided and maintained in front of and to the sides of all wall-mounted fire department connections and around the circumference of free-standing fire department connections, public and private fire hydrants.

§ 14-8.7- Obstructions.

It shall be unlawful for any person to park or leave standing any vehicle or place any obstruction on lands, whether publicly or privately owned, after notice has been posted as hereinafter provided prohibiting such parking, or standing or obstruction.

§ 14-8.8 – Enforcement

The Bernards Township Police Department shall have jurisdiction to enforce the provisions of this section by the issuance of a parking summons to vehicles found violating this chapter.
**Fire Alarm Systems**

§ 14-9.1 – Applicability

This section applies to local and monitored fire alarm systems in any structure other than one (1) or two (2) family dwellings.

§ 14-9.2 – Evacuation of Premises

When a fire alarm is activated in any building containing a fire alarm system, all occupants shall immediately leave the structure or follow a written Fire Evacuation Plan that has been previously approved by the Fire Official. Once notified, no persons shall enter or re-enter, until authorized to do so by the local Fire Department.

§ 14-9.3 – Prohibited acts

Resetting or silencing fire alarm systems – activated fire alarms systems which result in the dispatch of the local Fire Department shall not be reset or silenced without the approval from a responding Fire Department representative.

§ 14-9.4 – Notification

The building owner or representative shall notify the Bernards Township Bureau of Fire Prevention any time the building’s fire alarm system operates in a trouble or supervisory mode or when any maintenance or work is being performed on the building’s fire alarm system. 24 hour advance notification is required to the Bernards Township Bureau of Fire Prevention any time a fire alarm system is tested, repaired, altered, or for any fire/evacuation drill.

**Section 14-10**

**Open Burning**

§ 14-10.1 – Applicability

This section applies to all properties in Bernards Township.

§ 14-10.2 – Open Burning

Open burning shall be prohibited without first obtaining a permit from the State Forest Fire Service of the New Jersey Department of Environmental Protection as well as a permit from the Bernards Township Bureau of Fire Prevention as per N.J.A.C. 5:70-2.7. Open burns/bonfires shall not be conducted within 50 feet of a structure or combustible material. The fire shall not be more than 5 feet by 5 feet by 5 feet in dimension and shall not burn longer than 3 hours. Fuel for the fire shall consist only of seasoned dry firewood.

§ 14-10.3 – Recreational Fires

Recreational fires are permitted when utilizing only seasoned dry firewood and shall not be conducted within 25 feet of a structure or combustible material.

§ 14-10.4 – Outdoor Fireplace

Outdoor Fireplaces are permitted when being used in accordance with the manufacturer’s instructions.
utilizing only seasoned dry firewood, and shall not be conducted within 15 feet of a structure or combustible material. Outdoor Fireplaces shall not be used or stored on combustible balconies or decks. The Fire Official shall review and approve all construction applications with outdoor fireplaces setback requirements.

§ 14-10.5 – Agricultural Burning

Agricultural burning shall be prohibited without first obtaining a permit from the State Forest Fire Service in the New Jersey Department of Environmental Protection.

§ 14-10.6 – Extinguishment

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Bureau of Fire Prevention staff or a representative of the local Fire Department is authorized to order the extinguishment of the open burning operation.

§ 14-10.7 – Attendance

Open burning, recreational fires, and all outdoor fireplaces shall be constantly attended until the fire is extinguished.

§ 14-10.8 – Waste Disposal

Open Burning, Recreational Fires, and Outdoor Fireplaces shall not be utilized for waste disposal purposes including but not limited to rubbish, garbage, leaves, waste vegetation, and construction debris.

Section 14-11

Enforcement

§ 14-11.1 – Authority to enforce – The Bernards Township Bureau of Fire Prevention shall be the enforcing agency of this chapter.

§ 14-11.2 – Violations - Each violation shall constitute a separate and distinct offense independent of the violation of any other section. Each day of violation shall constitute an additional, separate, and distinct offense.

§ 14-11.3 – Penalties – Penalties will be enforced as per N.J.A.C. 5:70-2 unless otherwise noted below.

a. Violation of Section 14-3 Permits, Additional Fees and Inspections – Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not more then $5,000.00 for failure to comply with a lawful action will be issued to the owner of the Mobile Food Vendor as per N.J.A.C. 5:70-2.12(b)5.ii.

b. Violation of Section 14-3A Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance - Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than $500.

c. Violation of Section 14-3B Non-Life Hazard Use Inspection Fees – Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of double the amount of the applicable Non-Life Hazard Use Inspection Fee.

d. Violation of Section 14-9 Fire Alarm Systems – Any person violating any provisions of Section
14-9.2 and Section 14-9.3 shall for each offense, be subject to a fine of not less than one thousand (1,000) dollars. Any person violating any of the provisions of Section 14-9.4 shall, for each offense, be subject to a fine of not less than one hundred (100) dollars.

e. Violation of Section 14-10 Open Burning – Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than one thousand (1,000) dollars.

§ 14-11.4 – Appeals – Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal within 15 days to the Construction Board of Appeals of the County of Somerset.

EXPLANATORY STATEMENT
The current Fire Prevention Ordinances have not been updated in almost two decades. These proposed Ordinance changes need to be updated to reflect local and state industry changes. Many of these changes were structured to resemble existing ordinances and codes in the state and other local municipalities.

Mark Sylvester, Fire Official

Each section of this ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

The ordinance is effective upon passage. It will be published in accordance with NJSA 40:49-2d.

TOWNSHIP OF BERNARDS
PUBLIC NOTICE

Ordinance #2453 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 09/15/2020 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing on 09/29/2020 to be held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available on the township website bulletin board www.bernards.org.

By Order of the Township Committee
Rhonda Pisano, Municipal Clerk