

**FIRE PREVENTION**

**Chapter 34**

**FIRE PREVENTION**

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**[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 3-14-2001 by Ord. No. 1-2001. Amendments noted where applicable.]**

## GENERAL REFERENCES

Environmental Commission — See Ch. 8.  
Fire Department — See Ch. 9.  
Certificates of occupancy — See Ch. 28A.  
Uniform construction codes — See Ch. 29A.  
Flood damage prevention — See Ch. 36.  
Housing Standards — See Ch. 39.  
Smoke detectors — See Ch. 49.

ARTICLE I  
State Uniform Fire Safety Act

## § 34-1. Preamble.

- A. The Uniform Fire Safety Act (P.L. 1983, c. 383)<sup>1</sup> was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards through the State of New Jersey.
- B. The Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose.
- C. It is in the best interests of the Borough to have the Uniform Fire Safety Act enforced locally.
- D. The governing body finds the plan set forth herein for the administration and enforcement of the New Jersey Uniform Fire Code, N.J.A.C. 5:18-1.1 et seq., its amendments and supplements, to be appropriate in order to accomplish the purposes of the Uniform Fire Safety Act.

<sup>1</sup> Editor's Note: See N.J.S.A. 52:27D-192 et seq.

**§ 34-2. Fire Safety Act enforced.**

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c.383),<sup>2</sup> the New Jersey Uniform Fire Code shall be locally enforced in the Borough.

**§ 34-3. Enforcing agency.**

- A. The local enforcing agency shall be the Bureau of Fire Prevention which is hereby created in the Helmetta Fire Department and located at 62 Main Street, Helmetta, New Jersey.
- B. 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 Borough, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

**§ 34-4. Life-hazard uses.**

- A. The local enforcing agency established by § 34-3 of this chapter shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.
- B. All life-hazard uses shall be periodically inspected for compliance with the provisions of the New Jersey Uniform Fire Code, N.J.A.C. 5:18A, its amendments and supplements. The frequency of inspections for life-hazard uses, as well as the specified types of uses, shall be those specified in the Uniform Fire Code.

<sup>2</sup> Editor's Note: See N.J.S.A. 52:27D-202.

**§ 34-5. Enforcing agency part of Fire Department.**

The local enforcing agency established by § 34-3 of this chapter shall be a part of the Helmetta Fire Department.

- A. The local enforcing agency shall be under the direct supervision of the Fire Official, who shall be appointed by the Mayor with the advice and consent of the Council for the term prescribed by law.
- B. The Fire Official shall be certified by the State of New Jersey according to New Jersey regulations for fire code enforcement, N.J.A.C. 5-18A:4.
- C. Such part-time inspectors and other part-time employees as may be necessary in the local enforcing agency shall be appointed by the Mayor with the advice and consent of the Council upon the recommendation of the Fire Official. Such full-time inspectors and other full-time employees as may be necessary for the local enforcing agency to properly carry out its responsibilities shall be appointed by the Mayor with the advice and consent of the Council.
- D. Qualifications of inspectors shall be as set forth in the New Jersey regulations for fire code enforcement, N.J.A.C. 5-18A:4.
- E. The Fire Official and inspectors of the enforcement agency shall be subject to removal by the Mayor and Borough Council pursuant to provisions of law.

**§ 34-6. Inspection every 12 months.**

All buildings within the boundaries of the Borough of Helmetta not classified as a life-hazard use, Type A, B, C or D, pursuant to the New Jersey Uniform Fire Code, its amendments and supplements, with the exception of owner-occupied one- and two-family dwellings shall be inspected at least once every 12 months. Unless otherwise specified in § 34-7, Permit fees, the fee for a non-life-hazard use inspection shall be \$25 per inspection.

**§ 34-7. Permit fees.**

A. The permit fees established by the Uniform Fire Code shall be amended to be as follows:

- (1) Type 1: \$25.
- (2) Type 2: \$100.
- (3) Type 3: \$200.
- (4) Type 4: \$300.
- (5) Type 5: \$1,000.

B. In addition to the registration fees, permits and inspection fees required pursuant to the Act<sup>3</sup> and the regulations of the Department of Community Affairs, the following additional annual inspections and fees shall be required for other than life-hazard uses:

- (1) All use groups, except residential, wherein cooking equipment is used for the preparation of food for service to the public, for either on-premises consumption or off-premises consumption, with a floor area of 2,000 square feet or greater shall be \$25 and with less than 2,000 square feet shall be \$20.
- (2) All business use group occupancies with a gross floor area all floors of 2,000 square feet shall be \$25 and with a gross floor area of less than 2,000 square feet shall be \$20.
- (3) All storage use group occupancies with a gross floor area of 2,000 square feet or greater shall be \$25 and with a gross square feet area of less than 2,000 square feet shall be \$20.
- (4) All mercantile use group occupancies regardless of size in area shall be \$25.
- (5) All factory use occupancies regardless of size in area shall be \$25.

<sup>3</sup> Editor's Note: See N.J.S.A. 52:27D-1921 et seq.

- (6) All common areas of multifamily use group occupancies shall be \$25 for the first structure and \$20 for each additional structure in the complex.
- C. The inspection fee shall be paid to the Borough annually by the individual, firm or corporation, as the case may be during the period of January 2 through January 31 each year, and filed along with the registration form supplied by the Borough.
- D. Where an individual, firm or corporation requests an inspection to be conducted, other than those required by this Code, the fee for obtaining a record of such inspection shall be \$25 per structure to be inspected.
- E. The permit and registration fees as established by the Uniform Fire Code, except as amended in this chapter, and as amended from time to time pursuant to N.J.A.C. Chapter 5, shall remain in full force and effect as set forth therein.
- F. The Fire Official may waive the permit fees in certain instances when such fees are for the following:
- (1) Churches. When the permit is for something of an occasional nature (not exceeding three times per year) and is part of a religious observance and/or training; and/or for other charitable organizations; and/or other nonprofit organizations; and/or agencies of the Borough of Helmetta.
  - (2) Contractors and construction companies when working under a valid permit issued by the Borough of Helmetta Construction Official.

**§ 34-8. Legal counsel.**

As provided for in N.J.A.C. 5:18A-3.2(d) the legal counsel appointed to assist the local enforcement agency to enforce the Code shall be the Borough Attorney.

**§ 34-9. Permits.**

This section shall be considered an amendment to the Uniform Fire Code N.J.A.C. 5:18-2.7, its amendments and supplements.

- A. A permit shall constitute permission to maintain, store or handle materials, or conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with the provisions of this Code. A permit shall not be construed as authority to violate, cancel or set aside any of the provisions of this Code or any other Code, ordinance, statute, rule or regulation. A permit shall remain in effect for a period of one year, unless otherwise specified, or until it is revoked. A permit shall not be transferable. Any change in use, operation, or tenancy shall require a new permit. All permits shall be secured from the Fire Official.
- B. The fees indicated shall be required for the following permits:
- (1) Asphalt (tar) kettles. Making use of or firing any asphalt (tar) kettles without first securing a permit from the Fire Official: \$25.
  - (2) Tank abandonment. Removal, abandonment; or otherwise disposing of any flammable or combustible liquid or hazardous material tank: \$50.

ARTICLE II  
**Fire Safety Provisions**

**§ 34-10. Reporting.**

- A. It shall be a violation of this Code for any person or persons having knowledge of the occurrence of any fire, attempted arson, the activation of any fire protection system or device, spill or leakage of any flammable or combustible liquid or gas, or spill or leakage of any

hazardous material, to fail to immediately report the incident to the Fire Department and/or the Fire Official.

- B. Any person who fails to report any incident as described in this article shall, upon conviction thereof, be punished by a fine not less than \$25 nor more than \$500; or a term of imprisonment not exceeding 90 days; or a period of community service not exceeding 90 days.

**§ 34-11. Local amendments.**

For the purposes of this Fire Prevention Code, the following subsections shall be treated as local amendments to the New Jersey Uniform Fire Code.

- A. Barbecue grills generally. Barbecue grills shall not be located for use within or upon any building or wall or within five feet laterally of any building, wall or overhang. Barbecue grills shall not be stored within five feet laterally of any building, wall or overhang. This provision shall not apply to one- and two-family dwellings or to electric grills that have been approved under the Uniform Fire Safety Code for indoor use.

B. Key box and related requirements.

- (1) All commercial or industrial structures and all residential dwellings consisting of three or more units located within the Borough having an automatic fire alarm system or a fire sprinkler system shall be equipped with a key box. One- and two-family dwellings are specifically excluded from the provisions of this subsection.
- (2) The key box shall be a UL type approved by the Helmetta Fire Official. The key box shall be equipped with a tamper switch connected to the building's burglar or fire alarm system. The key box shall be installed in a location approved by the Fire Official.
- (3) The key box shall contain the following:

- (a) Keys to locked points of ingress and egress, whether on the interior or exterior of such buildings;
  - (b) Keys to locked mechanical rooms;
  - (c) Keys to locked electrical rooms;
  - (d) Keys to elevator rooms;
  - (e) Keys to any fence or secured area;
  - (f) Keys to other areas as directed by the Fire Official.
- (4) All keys in the key lock box shall be clearly and properly labeled with lamicoïd tags, red with white letters, so as to identify the lock for which each key is identified. The only member of the Fire Department to have access to a key within a key box shall be the most senior member of the Department responding to a first alarm.
- (5) The owner or operator of any building required to have a central control station by the Uniform Construction Code in effect at the time of issuance of any form of a certificate of occupancy or approval shall have that central control station staffed by a minimum of one qualified person 24 hours per day, everyday. Said person shall be trained and qualified to operate all of the emergency systems including fire alarm, public address, elevator, and air handling systems, and shall remain in said central control station to assist the Fire Department during alarm or emergency conditions in the operation of such systems.
- (6) Any owner renting to others or purchasing property for purposes other than use as a dwelling unit shall notify the appropriate local enforcing agency of the borough in writing within five working days of closing of title or execution of a lease of the name of

the lessee or buyer, effective date of the lease or sale, and the address of the leased or sold property.

- (7) For purposes of this section, "owner" shall mean any person who owns, purports to own, manages, rents, leases, or exercises control over a building, structure, premises, or use, or a portion thereof.
- (8) All key lock boxes shall be installed at the expense of the owner of the property or the lessee of the property and all keys contained therein shall be kept current.
- (9) All existing buildings shall comply within 12 months of the effective date of this chapter. All newly constructed buildings not yet occupied or buildings currently under construction shall comply upon issuance of a certificate of occupancy.
- (10) Any building owner violating this section shall be subject to penalties determined by the appropriate enforcement agency pursuant to N.J.A.C. 5:70-2.12 et seq.
- (11) This section shall be enforced by the Borough Fire Official.

#### § 34-12. Establishment of local fire lanes.

A. The Bureau of Fire Prevention shall make recommendations to the Mayor and Borough Council on the establishment of fire lane areas on property devoted to public use. For the purposes of this Code, property devoted to public use shall include but is not limited to, parking lots, bowling alleys, theaters, cinemas, churches, swimming pools, offices, warehouses, factories, etc., and other similar uses involving the parking of a sufficient number of motor vehicles or other impediments to efficient operation of fire equipment to make necessary such regulation for the protection of persons and property in the case of fire or other emergencies.

- B. Upon approval of the fire lane areas by the Borough Council in the form of an ordinance, the Bureau is authorized to regulate, restrict and prohibit the parking and operation of motor vehicles in and near such fire lane areas, and to impose other regulations necessary to insure that such areas are free from obstruction.
- C. The Police Department shall have concurrent jurisdiction together with the Bureau of Fire Prevention to enforce the provisions of this section.
- D. These articles shall apply to all buildings, structures, or premises located within the Borough of Helmetta.
- E. The fee for search for a "Status of Fire Code Violations and Penalties" report as required by law shall be \$25.

**§ 34-13. Fire lanes.**

- A. Fire lanes shall be established pursuant to § 34-12 of this Code, for the efficient and effective use of fire apparatus; access for fire fighters, egress of occupants, and/or any related fire-fighting activities. All fire lanes and/or fire areas shall be listed in the attached schedule at the end of this chapter.
  - (1) The Fire Official of the Borough of Helmetta, with the approval of the Chief Officer of the Fire Department, and the Chief of Police, is authorized to establish temporary fire areas where needed, in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:13 et seq., on property devoted to public and private use. Any such temporary fire areas shall be in effect immediately and shall remain in effect for a specified period of time not to exceed 120 days.
  - (2) Temporary fire areas not intended to be permanently established, may be renewed for additional periods not to exceed 120 days, by approval of the Fire Official with consent of the

Chief Officer of the Fire Department and the Chief of Police.

- (3) Where necessary, the Fire Official may recommend to the Mayor and Council that such temporary fire areas become permanent pursuant to § 34-12 of this Code.

B. Any and all fire lanes created by prior ordinances are hereby continued in effect. Where repairs or modifications shall be made to any preexisting fire lane, if it is the judgment of the Fire Official that such fire lanes are not in conformity with this section and it is further the judgment of the Fire Official that it is practical to bring such fire lane into conformity, the Fire Official shall require such modifications as deemed necessary. In no case shall modifications be permitted which create a lesser standard than the original approval of said fire lane.

C. Within 30 days of being given notice by the Fire Official, the owner of such premises shall mark the fire lane(s) as follows:

- (1) Signs constructed of metal with raised red letters a minimum of two inches in size on a white background with the wording "NO PARKING ANY TIME" shall be posted. Spacing of said sign shall be even with a minimum of one sign for every 100 feet of fire lane or part thereof, or as ordered by the Fire Official.
- (2) On improved areas, the fire lanes shall be delineated along the entire circumference with yellow lines four inches in width. Within the yellow lines shall be marked "NO PARKING ANY TIME" in yellow letters 18 inches in height. The number of times this wording is to be repeated shall be at the discretion of the Fire Official. The inside of the fire lane shall be further marked with diagonal striping, yellow in color and four inches in width, spaced at intervals of five feet. If the designated fire lane abuts a curb, the

curbing that abuts the fire lane shall be marked yellow in color.

- (3) Fire lanes for vehicle access shall be a minimum of 18 feet in width. Fire lanes for the egress of occupants shall be a minimum of at least the width of the exitway served.
  - (4) Unpaved fire lanes installed on public or private property shall comply with the fire lane typical details installation and blueprint method available from the Borough Engineer, and shall be approved by the Fire Official. The selection of a method to be used as per the typical details shall be subject to the approval of the Fire Official. Signs and markings shall be provided as required by the Fire Official and this Code.
  - (5) Gates, chains or other methods utilized to prevent unauthorized access to fire lanes must be approved by the Fire Official prior to installation.
  - (6) Fire lanes shall be installed and maintained by the owner of the premises in conformance with the provisions of this Code.
- D. It shall be unlawful to obstruct, damage, deface, or restrict the access of any fire lane in the Borough of Helmetta. Designated fire lanes shall be maintained free of obstructions, including but not limited to snow and vehicles, at all times.
- E. The Fire Official shall notify the Police Department, Construction Code Office, and Municipal Court Clerk in writing of the existence and location of all fire lanes properly designated under this Code.

**§ 34-14. Blocking of fire hydrants and Fire Department connections.**

It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict the access to any fire hydrant or fire

department connection for the pressurization of fire suppression systems, whether such hydrants or connections are located on public or private property.

**§ 34-15. Open burning.**

- A. "Open burning" is defined as the burning of any material in anything other than an approved device or in an uncontained manner.
- B. Open burning for any reason is hereby prohibited except where permits have been obtained. Said permits must be obtained from the New Jersey Department of Environmental Protection and the Borough of Helmetta Bureau of Fire Prevention.
- C. Upon recommendation of the Fire Official and the approval of the Chief of Police, the local Fire Department may use open burning for training purposes only.

**§ 34-16. Construction activities.**

- A. The term "construction activities" as used in this section shall refer to those activities which require a permit under the Uniform Construction Code N.J.A.C. 5:23. All construction requiring a construction permit under the Uniform Construction Code shall also comply with the Fire Prevention Code regarding site fire safety.
- B. All active construction sites and locations shall be provided with noncombustible refuse container(s) in such numbers as shall be necessary to contain all combustible refuse generated by the construction activities.
  - (1) All combustible refuse, rubbish and debris shall be cleaned up and deposited in the container(s) on a daily basis.
  - (2) Refuse container(s) shall be a minimum of 20 feet away from any building, structure, lot line or combustible material storage location.

- C. Flammable or combustible liquids and gases shall be stored, handled, and/or used in accordance with the applicable provisions of the Fire Prevention Code and the latest standards of the National Fire Protection Association.
- D. When construction activities take place in occupied buildings, special fire safety precautions shall be taken as required by the Fire Official in accordance with the Fire Prevention Code.
- E. Whenever fire protection systems, devices, or alarms are removed from service, the Fire Official is to be notified.
- (1) When fire suppression, detection or alarm systems or devices are affected by construction activities, their down time shall be kept to a minimum. When possible, isolation of system components shall occur to ensure operation in unaffected areas.
  - (2) A fire watch shall be posted in all cases deemed necessary by the Fire Official. When the area affected is of a high-hazard use, the Fire Official may require normal operations and occupancy of the area may be required to be suspended until protection is restored.
- F. Temporary all-weather surface access roads, gravel or equivalent material, capable of supporting a thirty-ton emergency vehicle shall be provided at all times for Fire Department vehicular access to all structures under construction and all storage areas of combustible construction materials.
- (1) Access to said locations shall be within 100 unobstructed feet at all times.
  - (2) Every dead-end roadway more than 300 feet in length shall be provided at the closed end with a temporary turn around approved by the Fire Official.

G. The fire protection water supply system, including hydrants shown on the approved site plan, shall be installed and in service prior to placing combustible materials on the project site or utilizing them in the construction of buildings or structures. A coordinated phased installation of the fire protection water system shall be permitted if phase construction is approved. The coordinated phase installation shall be approved by the fire official, with the following as minimum requirements.

- (1) In one- and two-family dwelling developments, fire hydrant(s) shall be within 300 feet of combustible construction material and accessible by roadways as required in Subsection F of this subsection.
- (2) In multifamily apartments, condominiums, and townhouse development(s), fire hydrants shall be within 250 feet of combustible construction material and accessible by roadways as required by Subsection F of this section.
- (3) Industrial, commercial, and business development sites shall be provided with fire hydrants as required by the Fire Official on a case-by-case basis, taking into consideration the planned construction activities and site design, with the minimum requirement being the installation of any required public water main(s) and/or fire hydrant(s) prior to the introduction of combustible materials to the site.

**§ 34-17. Violations and penalties.**

Penalties for the violation of any local provisions herein contained shall be enforced in accordance with N.J.A.C. 5:18-2.12.

§ 34-17

FIRE PREVENTION

§ 34-17

SCHEDULE OF DESIGNATED LOCAL FIRE LANES

The following fire lanes are hereby established pursuant to § 34-13 of the Code of the Borough of Helmetta as follows:

Name of Area	Location
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(Reserved)