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SMOKE DETECTORS

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Chapter 49

SMOKE DETECTORS

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[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 12-26-85. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 9.
Fire Safety Code, Uniform — See Ch. 34.

Be it ordained by the Borough Council of the Borough of Helmetta in the County of Middlesex and State of New Jersey:

§ 49-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DWELLING — Any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating, provided that transient housing, such as tents shall not be regarded as a dwelling.

DWELLING UNIT — A room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by one (1) or more persons for living, sleeping, cooking or eating purposes.

SMOKE DETECTOR — A device capable of sensing visible or invisible smoke particles or combustion, which, when activated shall provide an alarm sufficiently audible to warn occupants in the dwelling unit, whether such occupants are sleeping or awake. Any such smoke detector shall bear a seal, tested and listed by an approved, nationally recognized fire testing laboratory, shall comply in design to all applicable state, federal and industrial requirements, and, if such smoke detector is electrically operated, then it shall be installed in conformance with the National Electrical Code Standard 70 and comply with all applicable permits and building subcode inspection requirements.

§ 49-2. Requirements.

On or before April 30, 1986, each dwelling unit shall have a minimum of one (1) approved smoke detector installed in a manner and location approved by the Fire Official and in compliance with the applicable sections of NFPA No. 74, Standard of Installation, Maintenance and Use of House Fire Warning Systems, and the New Jersey Uniform Construction Code, the BOCA Basic Building Code, 1975, as amended and supplemented, as is provided by this section.

§ 49-3. Responsibility; installation and maintenance.

- A. It shall be the responsibility of the owner of each dwelling unit to comply with this chapter. It shall be unlawful for any owner to fail or refuse to install such detectors in accordance with this chapter or fail to maintain the detectors in proper working order.
- B. It shall be the duty of the tenant or occupant of a dwelling unit, at his own cost and expense, to maintain and replace all batteries of battery-operated smoke detector devices installed

by the owner in said dwelling unit. Any tenant who fails to so maintain and replace such batteries shall be guilty of violating this chapter.

- C. The duty of the tenant to maintain the batteries shall not relieve the owner of the duty to maintain the detector unit in proper operating order other than the batteries in the dwelling unit, as well as the duty to maintain both the batteries and the unit installed in the common areas of the dwelling.
- D. The governing body may appropriate a one-time fund or bulk purchase to assist residents who must comply with the sections of this chapter and who certify that compliance would be a financial hardship. Additionally, special devices for the handicapped such as visual alarms for the deaf may be provided. The Fire Department may provide installation assistance to those residents who may be physically unable to install the smoke detector(s) themselves.

§ 49-4. Enforcement.

- A. Effective immediately, no certificate of occupancy shall be issued for any new dwelling or newly rehabilitated dwelling unless the Fire Official certifies that such dwelling has complied with this chapter.
- B. After the enactment of this chapter, the Tax Collector shall promptly notify all owners of record of dwelling units, and thereafter all new owners of record of dwelling units of the requirements of this chapter and in the same communication forward said owners a certification, to be executed under penalty of perjury, reciting that said owner has complied with the requirements of this chapter and to be returned to the Fire Official.

§ 49-5. Exceptions.

Any new, rehabilitated or existing dwelling which is required by law or regulation to have installed therein any smoke detector or fire

prevention system other than which is required by this chapter and does in fact have such system installed, shall be exempted from the provisions of this chapter.

§ 49-6. Interference with detectors.

It shall be unlawful for any tenant, occupant, owner or any other person to tamper with, damage, destroy, steal, paint over or do anything to cause such smoke detector to malfunction or fail to operate.

§ 49-7. Violations and penalties.

Any person violating this chapter shall be liable for a minimum fine of fifty dollars (\$50.) and a maximum fine not to exceed five hundred dollars (\$500.) or imprisonment not to exceed ninety (90) days, or both.

§ 49-8. Enforcing official.

The construction official responsible for enforcement shall be the Fire Official and Electrical Subcode Official and any other duly qualified inspector whose responsibilities are directly related to said function, whether or not specifically provided for.

§ 49-9. Investigation of fires.

Any Borough Official, resident or other person with knowledge of a fire incident having occurred within a dwelling shall notify the Fire Official immediately. The Fire Official shall cause an investigation to be conducted forthwith, in order to ascertain compliance with the provisions of this chapter. After investigation of a fire incident, the Fire Official shall take appropriate enforcement action for violation(s) of any of the provisions of this chapter, but said actions may not be merely limited to the provisions of § 49-7, Violations and penalties, and might include the filing of criminal charges.

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§ 49-10. Complaints.

In addition to the enforcement of this chapter by the borough officials, any person may institute and file a complaint in the Borough Court of Helmetta against any other person who is found violating any provisions of this chapter.