

EXISTING FIRE PREVENTION CODE

Chapter 93

FIRE PREVENTION

[HISTORY: Adopted by the Mayor and Council of the Borough of Metuchen 11-7-1977 by Ord. No. 77-28; amended in its entirety 9-18-1985 by Ord. No. 85-17. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fire Department -- See Ch. 20
Uniform construction codes -- See Ch. 78.

~ 93-1. **Local enforcement.**

Pursuant to Section 11 of the Uniform Fire Safety Act (**P.L. 1983 c.383**), the New Jersey Uniform Fire Code (**N.J.A.C. 5:70-1 et.seq**) shall be locally enforced in the Borough of Metuchen.

~ 93-2. **Agency designation.**

The local enforcing agency shall be the Bureau of Fire Prevention which is hereby created in the Municipal Fire Department of the Borough of Metuchen. The Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

~ 93-3. **Duties.** [Amended 2-18-1992 by Ord. No. 92-08]

- A. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Metuchen other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State.
- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Code.

~93-4. **Organization.**

The local enforcing agency established by ~ 93-2 of this chapter shall be a part of the Municipal Fire Department of the Borough of Metuchen and shall be under the direct supervision and control of a fire official who shall report to the **Borough Administrator**.

Deleted: Chief of the Fire Department.

~ 93-5. **Appointments; Qualifications; term of office; removal.**

A. Fire Official. The fire official shall be certified by the State and appointed by the Mayor upon the recommendation of the Chief of the Fire Department **and shall use the title Fire Marshall.**

B. Term of office. The fire official shall serve for a term concurrent with the term of the Fire Chief with each term being for **two** years.

C. Inspectors and employees. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor upon the recommendation of the Fire Official. All life hazard use inspectors shall be certified by the State.

D. Removal from office.

The fire official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause.

Deleted: Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

~ 93-6. Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency (or agencies) shall have the right to appeal to the Board of Appeals of the County of Middlesex.

Deleted: E. Appointment of Legal Counsel.¶
The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

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~93.7 Penalties

Any person, firm or corporation that is in violation **shall be subject to penalty. The Penalty for knowingly failing to register or failing to notify the Fire Official of a change in occupancy shall be up to \$500.00** Unpaid penalties can be subject to the issuance of a summons to appear in Municipal Court in the Borough of Metuchen.

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~ 93-8. Life hazard uses.

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

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~93.9 Non-life Hazard uses: ~~Regulations~~

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~~Each residential unit in the Borough of Metuchen, including owner occupied single family units, shall have a smoke detector and carbon monoxide detector on each level, and a fire extinguisher in the kitchen or within 10 feet thereof. Inspections of single family units shall be scheduled for each change of occupancy. Fees shall be changed in accordance with Section 93-13.~~

Deleted: In addition to the registration required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. These use groups are specified in the Uniform Construction Code (N.J.A.C. 5:23-1.1 et seq.) These uses will be inspected with a one or three year schedule and pay a fee at time of inspection. Inspection fees and scheduling may be amended to fit the needs of the local enforcing agency. The fee is not to be used for Life Hazard Uses as defined in the Uniform Fire Code.

~~~93-10. Registration Fees~~

The following non-life hazard uses shall be registered by the business owner with the Bureau of Fire Prevention and pay an annual registration fee, according to the following schedule.

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- |                                                                   |                                                                                                   |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| A. (1) Mercantile/Retail/Banking                                  | \$50.00 for the first 1,000 Sq. Ft.<br>\$10.00 for each additional 1,000 or fraction thereof.     |
| (2) Factories, Assembly Plants, Wood & Metal Shops                | \$75.00 for the first 1,000 Sq. Ft.<br>\$15.00 for each additional 1,000 or fraction thereof.     |
| (3) Warehouse, Storage (No Assembly Manufacturing or Retailing)   | \$50.00 for the first 2,000 Sq. Ft.<br>\$10.00 for each additional 1,000 or fraction thereof.     |
| (4) Business/Office                                               | \$50.00 for the first 3,500 Sq. Ft.<br>\$10.00 for each additional 1,000 or fraction thereof.     |
| (5) Multiple Dwellings (three or more dwelling units)             | \$60.00 for the first three dwelling units, \$10.00 for each additional unit or fraction thereof. |
| (6) Residential Rentals (one or two family houses)                | \$45.00 per rental unit                                                                           |
| (7) Fire Protection Systems (Other than those in Life Hazard Use) | \$50.00 Systems for Cooking Operations, \$75.00 for other systems.                                |

¶ A . Assembly, Business/Professional, Retail, Manufacturing, Storage¶  
. These non-life hazard uses will be charged a \$ 25.00 fee, \$ 35.00 over ¶ 10,000 square feet and will be issued a Certificate of Inspection upon correction of violations, if any. Any non-life hazard use, with a valid paid permit, established by the Uniform Fire Code, are not subject to the above fee.¶

¶ B . Residential (LEA listed with multifamily BHI)¶  
. Fee is as follows

**Deleted:** . R - 1 . . . 1 to 6 units . . . \$ 25.00¶  
. R - 2 . . . 7 to 12 units . . . \$ 50.00¶  
. R - 3 . . . 13 to 20 units . . . \$ 100.00¶  
. R - 4 . . . for each additional unit . . . \$ 2.00

**Deleted:** C . R-A uses shall be inspected and charged a fee only upon sale of change of¶  
. Tenant¶

(8) Other Uses not covered above

\$50.00

C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.

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D. Uses required to register with the State as life hazard uses shall not be required to register under this section.

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E. In the discretion of the fire official, vacant buildings will be charged and inspected according to the previous use of the building.

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~93.11. Inspections.

The Fire Marshall shall periodically inspect all uses registered hereunder. If more than one inspection is required in any year, due to a change of occupancy, the owner shall pay for each additional inspection an amount equal to the annual registration fee.

Deleted: G . All residential uses except R-A uses shall be inspected in the common area¶  
. Only.

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~93.12. Change of Occupancy.

The owner of any premises that is registered hereunder shall notify the Fire Marshall in writing of each change of occupancy.

~ 93-13. Additional required inspections and fees.

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In addition to the inspections and fees required pursuant to the Uniform Safety Act and the regulations of the Department of Community Affairs the following additional inspections and fees shall be required.

A The application fees for the permits listed in N.J.A.C. 5:70-2.7(b) shall be as provided by State regulation and are currently as follows:

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

Deleted: ~ 93-9. Permit Fees .  
[Amended 2-18-1992 by Ord. No. 92-08]¶  
. . . and Certificate of Fire Code State  
and¶  
. . . Certificate of Smoke Detector and  
Carbon Monoxide Alarm ¶  
. . . Fees

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B The cost for the issuance of a Certificate of Fire Code Status shall be \$ 35.00

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C The fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC) and fire extinguishers as required by N.J.A.C. 5:70-2.3, upon the sale of a one or two family residence shall be based upon the amount of time allowed before the change of occupant is scheduled to occur;

1. Requests for inspections received more than 10 business days prior to the change of occupancy; \$ 35.00;
2. Requests for inspections received four to 10 business days prior to the change of occupancy; \$ 70.00;
3. Requests for a inspections received fewer than four business days prior to the change of occupancy; \$ 125.00;
4. Re-inspection fee; \$ 25.00 each time

~ 93-14. Prohibitions.

A. Storage of explosives and blasting agents is hereby prohibited throughout the entire Borough of Metuchen.

B. Storage of flammable liquids in outside above-ground tanks is hereby prohibited except where permitted by Chapter 110, Land Development, of the Code of the Borough of Metuchen. The construction, installation and maintenance of said tanks shall conform to the requirements of this Code and the Uniform Construction Code.

C. Bulk plants for flammable or combustible liquids are hereby prohibited throughout the entire Borough of Metuchen.

~ 93-15. Effect of chapter.

Nothing in this chapter shall be construed to permit any construction or use which is prohibited by Chapter 110, Land Development, of this Code or other ordinances of the borough.

~ 93-16. Fire areas and fire lanes saved from repeal.

Nothing herein contained shall be considered to repeal any previously established fire area or fire lane which shall continue to remain in full force and effect.

~ 93-17. Validity; conflicts with state law.

The invalidity of any section or provision of this chapter or of the Fire Prevention Code adopted by this chapter shall not invalidate other sections or provisions thereof. Any provisions of this chapter or the Fire Prevention Code adopted by this chapter which conflict with any state law or regulation shall have no effect, and such state law or regulation shall prevail in respect to the interpretation and enforcement of this chapter and the Code adopted herein.

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