

NOTICE
ORDINANCE NO. 18-30
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 4th day of October, 2018, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 22nd day of October, 2018, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 18-30

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XV, OF THE
CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED “UNIFORM
FIRE SAFETY ACT ENFORCING AGENCY”

WHEREAS, the Board of Fire Commissioners of Neptune Township Fire District #1 and Fire District #2 each have recommended that the ordinance setting forth the provisions of the Uniform Fire Safety Act Enforcing Agency be amended to comply with the requirements of the Uniform Fire Safety Act,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

SECTION 1

Chapter XV – Uniform Fire Safety Act Enforcing Agency, be and is hereby amended in its entirety to read as follows:

15-1 UNIFORM FIRE SAFETY ACT ENFORCING AGENCY.

15-1.1 Purpose; Statutory Authorization.

The Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq. (P.L. 1983, c. 383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey.

The Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose.

It is in the best interest of the Township to have the Uniform Fire Safety Act enforced locally.

The Board of Fire Commissioners of Fire District No. 1 and 2 have agreed to the plan, which is set forth herein, for the administration and enforcement of the Uniform Fire Code, N.J.A.C. 5:70 et seq. as amended.

15-1.2 Local Enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code and all standards adopted herein shall be enforced locally within the established limits of Fire District No. 1 and 2 in the Township of Neptune.

15-1.3 Agency Designation.

The Local Enforcing Agency shall be the Bureau of Fire Prevention specific to Fire District lines as defined below:

a. Neptune Fire District No. 1, which will enforce the Code (each) within the limits of the fire district which are all that portion of the Township which lies to the west of the center line of Main Street (Route 71).

b. Neptune Fire District No. 2, within the limits of the Fire District which is known as Ocean Grove and is bordered on the west by the center line of State Highway Route 71, on the south by the Borough of Bradley Beach, on the north by Wesley Lake, and on the east by the Atlantic Ocean.

15-1.4 Duties.

The Local Enforcement Agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it and herein adopted in all buildings, structures and premises within the established boundaries of Fire District No. 1 and 2 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.

15-1.5 Life Hazard Uses.

The Local Enforcing Agencies established by Section 15-1.3 shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

15-1.6 Organization

- a. The Local Enforcing Agencies established by Section 15-1.3 shall establish a Bureau of Fire Prevention, which shall be staffed by a Fire Official and such other permanent, temporary, full-time and/or part-time inspectors and staff as the Local Enforcing Agency deems appropriate.
- b. The Local Enforcing Agencies shall provide such supplies, equipment, machinery, and vehicles as it deems appropriate to carry out the requirements of this section.

15-1.7 Appointments; Supervision; Duties; Removal.

- a. *Appointment and Supervision.*
 1. The Fire Official of Fire Prevention shall be appointed by and shall answer directly to the Board of Fire Commissioners of the local enforcing agency.
 2. Inspectors and staff shall be appointed by the Board of Fire Commissioners of the local enforcing agency and shall be under the supervision of the Fire Official.
- b. *Duties.*

1. The Fire Official's duties shall be those adopted by N.J.A.C. 5:71-3.3(a) and shall include supervision of the Bureau of Fire Prevention including inspectors and staff, making inspections required by this section, reporting to the Board of Fire Commissioners of Fire District No. 1 on a regular basis or as more often required by the Board of Fire Commissioners, keeping records and making such written reports as may be required by law or the Board of Fire Commissioners, and such other duties as may be assigned by the Board of Fire Commissioners.
 2. Inspectors' duties shall be in accordance with N.J.A.C. 5:71-3.3(c) and shall include to make inspections and reports and to perform such other duties as may be assigned by the Fire Official of Fire Prevention.
 3. Staff duties shall include such clerical, administrative, and office duties and such other duties as may be assigned by the Fire Official of Fire Prevention.
- c. *Term of Office and Removal.*
1. Temporary or Part-Time Position. All temporary or part-time employees shall serve at the pleasure of the Board of Fire Commissioners. Either hiring for less than an eight (8) hour work day or employment which does not exceed three hundred sixty-four (364) consecutive days shall be considered temporary or part-time.
 2. Permanent Position.
 - (a) Appointment to any permanent position shall for an initial probationary period of one (1) year during which period the employee may be discharged without cause. The Board may in writing waive a probationary period.
 - (b) After completion of probationary period, or after waiver by the Board of the same, an employee of a permanent position may only be disciplined or discharged for cause including but not limited to: failure to perform and/or adequately perform the duties of the position; failure to cooperate with co-employees; failure to maintain a clean, neat and orderly appearance; failure to act in a civil and respectful manner; failure to obey directives of the Board or a superior; failure to report for duty on time; consumption of alcoholic beverage during working hours; being on duty with breath smelling of alcoholic beverage; being under the influence of any intoxicant or mind-altering illegal substance; any violation of any criminal or disorderly persons law; any conduct which may bring embarrassment or disrepute to the Board or which in any manner adversely affects the employee in carrying out the duties of the position; solicitation of or receipt of any gifts, services, gratuities, or payment from any member of the public for any act, omission or forbearance in performance of the duties of the position; any employment not authorized by the Board; such other causes as allowed by law.
 - (c) Discipline may be loss of sick leave and/or vacation time, suspension from employment without pay, termination of employment and such other discipline as allowed by law.
- d. *Salaries; Benefits; Conditions of Employment.* The salaries, benefits and conditions of employment for all positions created under this section shall be determined by the Board of Fire Commissioners of the local enforcing agency as it deems appropriate.

15-1.8 Board of Appeals.

Pursuant to N.J.A.C. 5:70-2.19 of the Uniform Fire Code, any person aggrieved by any order of the Local Enforcement Agency (or agencies) shall have the right to appeal to the Construction Board of Appeals of Monmouth County.

15-1.9 Additional Required Inspections Schedule and Fees.

In addition to the inspection schedule and fee required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections schedule and fees shall be required. All non-life hazard uses shall register and be inspected annually, as follows:

- a. All structures, businesses and activities required to secure a mercantile license in accordance with Chapter IV of the Code of the Township of Neptune and all structures or part thereof occupied by any professional activity or use license or for which a permit is issued by any department, branch, division or agency of the State of New Jersey shall be inspected pursuant to this section prior to issuance of a mercantile license or in the case of a non-mercantile licensed structure, business or activity as aforesaid, there shall be an annual inspection. The owners and occupants of all structures shall register and be inspected annually and shall within two (2) weeks of a written request supply such information as may be required by the Fire Official of Fire Prevention for the enforcement of this section.
- b. Registration fees under this section shall be fifty-five (\$55.00) dollars for up to two thousand five hundred (2,500) square feet and twenty-five (\$25.00) dollars for each additional two thousand (2,000) square feet or fraction thereof to be inspected. Notwithstanding the aforesaid, a not-for-profit organization shall not be charged an inspection fee greater than fifty-five (\$55.00) dollars for a building which does not have a life hazard use required to be registered under the Uniform Fire Code of the State of New Jersey. The registration fee shall be paid by the occupant of the structure or area to be inspected.
- c. For inspections requested or required to be made during non-regular business hours, in addition to the regular permit and/or application fee, the following fee schedule shall apply:
 - 1. A minimum fee of one hundred (\$100.00) dollars.
 - 2. For each man hour more than two (2) man hours, an additional fifty (\$50.00) dollars per man hour.

"Regular business hours" shall mean the hours the Bureau of Fire Prevention is normally open. A "man hour" shall mean the time up to one (1) hour for one (1) inspector. Any fraction of a man hour shall be considered one (1) man hour.

- d. Permit fees and fire code status fees shall be charged according to the following fee schedule.

1. Type 1 permit	\$ 54.00
2. Type 2 permit	\$214.00
3. Type 3 permit	\$427.00
4. Type 4 permit	\$641.00
5. Fire code status fee	\$ 25.00

- e. The enforcement and penalty provisions which govern life hazard uses (N.J.A.C. 5:70-2.12 Penalties, and N.J.A.C. 5:70-2.12A - Dedicated Penalties), are hereby incorporated herein and any party failing to obtain any inspection required, failing to furnish requested registration information, failing to pay registration fee or failing to comply with any orders issued as a result of such inspection shall be subject to the enforcement and penalty provisions.

- f. False Fire Alarm. A “false fire alarm” shall be defined as either a signal, message or warning transmitted to the Township’s Fire Communications central dispatch indicated a fire condition, or the emission of an audible, visual or electronic transmission of any signal, message or warning intended to summon the services of the Township Fire Fighting personnel or apparatus, which signal, message, or warning is activated by a cause other than one for which the transmitting system is specifically designed to respond, at a time when no fire exists. The alarm shall not be considered false if caused by a power or telephone line interruption.

The Fire Official may assess penalties for violations herein as follows:

1. Three false fire alarms within a thirty (30) day period: \$100.00
2. Fourth and subsequent false fire alarms within one (1) calendar year \$200.00 per occurrence, in addition to remedies available within the NJUFC and the UCC.

15-1.10 Adoption of Additional Standards.

- a. In addition to the Uniform Fire Safety Act (P.L. 1983, c. 383), the National Fire Protection Association Code and all amendments and supplements thereto are hereby adopted wherein a higher or more restrictive standard is set forth than in the Uniform Fire Safety Act or where the same supplements the Uniform Fire Safety Act.
- b. In addition, the following are hereby adopted, violation of which shall be subject to the enforcement and penalty provisions of the Uniform Fire Safety Act (P.L. 1983, c. 383) as the same may be amended from time to time.
 1. Candles - Open flame burning candle or candles shall not be used, permitted or suffered at any meeting or gathering in any place of assembly or gathering without first obtaining approval of the Bureau of Fire Prevention which shall base such approval or non-approval on whether the proposed open flame burning of candle or candles is to be done in a safe manner and with provision for safety in the event of a mishap.
 2. Fire Lanes - All fire lanes shall have a minimum width of twenty-five (25') feet.
 3. Open-flame cooking devices and outdoor fireplaces- Any portable device designed to cook, using charcoal, wood, ignitable liquid, liquefied-petroleum, and/or natural gas or any portable device designed or used to cook, that produces an open flame upon ignition or under cooking conditions and outdoor fireplaces shall not be stored or used:
 - a) On any porch, balcony or any other portion of a building;
 - b) Within any room or space of a building;
 - c) Within five (5) feet of any combustible construction;
 - d) Within five (5) feet vertically or horizontally, of an opening in any wall; or
 - e) Under any building overhangWhen the device is in use, it must always be attended to. One and two-family dwellings shall be included in the enforcement of this provision.
 4. Opening Burning, recreational fires and portable outdoor fireplaces - A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless

conducted and approved in accordance with the provisions of the Uniform Fire Code and/or the State Forest Fire Service.

(a) Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

(b) Opening burning shall be allowed without prior notification to the fire official for recreational fires provided the following requirements are met:

1. Must be in an approved container with an ember-suppressing lid
2. Use of only clean dry wood: no brush, leaves, trash, treated or wet wood.
3. Do not use any flammable liquids to ignite the fire.
4. Approved containers must be a minimum of 15 feet away from any combustibles: not on decks or near structures
5. Must always be attended to
6. Must have a means to extinguish the fire. Garden hose stretched and/or a working portable fire extinguisher
7. If complaints are received, and the above conditions are not met, the Local Enforcing Agency will require that the fire be extinguished immediately.
8. If multiple calls to an address are received and the above is not abided by, a citation with possible fines will be issued.

5. Secured Key Access - Neptune Township Emergency Services utilize the Knox Rapid Access System.

(a) Key Box Access System Required - All buildings except one and two family homes which have a Fire Alarm System or a fire suppression system or when access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes are required to have a key box access system (Knox Box) at an entry location to be approved by the Fire Code Official.

(b) Key Box Contents - The key box shall contain: 1) Keys to locked points of egress whether on the interior or exterior of the building. 2) Keys to locked mechanical rooms, fire alarm/sprinkler control rooms, electrical rooms and elevator controls. 3) Keys to other secured areas as required by the Fire Code Official.

(c) The operator of the building shall immediately notify the Fire Code Official and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the Knox Box.

All standards adopted in paragraphs a. and b. above shall be enforced and carry the same penalties as set forth in the Uniform Fire Safety Act (P.L. 1983, c. 383).

SECTION 2.

That all ordinances or parts of ordinances of the Township of Neptune, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of ordinances, now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

SECTION 3.

This ordinance shall become effective immediately upon its adoption and publication according to law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 18-31
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 4th day of October, 2018, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 22nd day of October, 2018, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 18-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING
HANDICAPPED PARKING ZONES ON ANELVE AVENUE AND
COOKMAN AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.1 – Handicapped Parking on Street, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Anelve Avenue	1	East side of Anelve Avenue beginning 60 feet north of the southeast intersection of Anelve Avenue and Monroe Avenue.

SECTION 2

Volume I, Chapter VII, Section 7-21.1 – Handicapped Parking on Street for Private

Residences, is hereby amended by *removing* the following:

Cookman Avenue	1	North side of Cookman Avenue beginning 25 feet east of the northeast intersection of Cookman Avenue and New York Avenue
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SECTION 3

This ordinance shall take effect upon publication in accordance with law.

Richard J. Cuttrel,
Municipal Clerk