

ORDINANCE NO. 2011-03

BOROUGH OF AUDUBON PARK, NEW JERSEY

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF
CAMDEN, AND STATE OF NEW JERSEY, PROVIDING FOR LOCAL
ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE**

WHEREAS, the Uniform Fire Safety Act, (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; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards which have been made a part of the Uniform Fire Code (N.J.A.C.5:70- et seq.); and

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purposes; and

WHEREAS, it is the best interest of the public health, safety and welfare of the residents of the Borough of Audubon Park to have the Uniform Fire Code enforced locally; and

WHEREAS, the local fire service has agreed to the plan, which is set forth herein, for the administration and enforcement of the Uniform Fire Code.

NOW, THEREFORE IT BE ORDAINED by the Mayor and Borough Council of the Borough of Audubon Park in the County of Camden, State of New Jersey, as follows:

SECTION I. 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 Audubon Park.

SECTION II. AGENCY DESIGNATION

The local enforcing agency shall be the Office of the Audubon Park Fire Marshal in the Bureau of Fire Prevention of the Borough of Audubon Park. The Audubon Park Fire Marshal’s Office shall hereinafter be known as the “Local Enforcing Agency”.

SECTION III. DUTIES

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 Audubon Park other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures and premises owned or operated by the Federal Government, Interstate Agencies or the State.

B. The local enforcing Agency shall faithfully comply with all pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

SECTION IV. ORGANIZATION; APPOINTMENTS

A. The local enforcing agency shall be under the direct supervision of the Fire Marshal of the Borough of Audubon Park. He or she shall provide monthly or annual reports, as requested, to the Chief of the Fire Department, Mayor and Borough Council and to the Director of Public Safety of the Borough of Audubon Park.

B. The Fire Marshal and other inspectors and employees of the local enforcing agency as may be necessary in the local enforcing agency and shall be appointed and removed in accordance with the personnel laws, regulations, ordinances, resolutions, policies, and procedures governing Borough of Audubon Park employees.

SECTION V. LIFE HAZARD USES

The local enforcing agency established by Section II of this ordinance 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.

SECTION VI. FEES

A. PERMIT FEES. The permit fees established by the Uniform Fire Code as are set forth in N.J.A.C. 5:70, et seq. shall apply. These fees are charged annually under the Administrative Code.

B. SMOKE DETECTOR/CARBON MONOXIDE INSPECTIONS.

(1) Smoke Detector/Carbon Monoxide Detector inspections shall be conducted on all one and two family dwellings for resale or change of occupant.

The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (“CSDCMAC”), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

(a) Requests for a CSDCMAC received more than 10 business days prior to the change of occupant: \$35.00; and

(b) Requests for a CSDCMAC received four to 10 business days prior to the change of occupant: \$70.00; and

(c) Requests for a CSDCMAC received fewer than four business days prior to the change of occupant: \$125.00.

C. FIRE SAFETY PERMITS. Permit fees shall be as specified in the Uniform Fire Code.

D. CERTIFICATE OF FIRE CODE STATUS. Fee for certificate of fire code status shall be \$25.00.

SECTION VII. JOB DESCRIPTION OF FIRE INSPECTORS

Fire inspectors shall perform inspections in accordance with the rules and regulations established and set forth in N.J.A.C. 5:70 et seq. Inspectors shall prepare written reports within 15 days after completing their inspections and shall then be responsible for furnishing copies of said written reports to the Fire Marshal, the property owner and the property user and/or tenant within 10 days after the completion of said written reports. Notices to property owners and/or users or tenants shall be given by certified mail, return receipt requested, or by such other means as set forth in N.J.S.A. 52:27D-211 of the New Jersey State Uniform Fire Safety Act. The inspector shall be responsible for conducting a follow-up inspection of those premises which have violations within 15 days after the period for correcting the violations has elapsed, and the inspector shall then complete and file a written report with the Fire Marshal setting forth the results of his follow-up inspection within 7 days after completing the follow-up inspection and shall advise the Fire Marshal of any outstanding violations which have not been corrected. The inspector shall also be responsible for testifying in court, if necessary, concerning the nature and results of his inspections and reports. The inspector shall undergo a yearly performance review by the Fire Marshal. Failure to perform any of the requirements of the position shall be grounds for removal. In situations involving imminent hazards, fire inspectors shall prepare written reports and furnish copies of said written reports to the Fire Marshal, the property owner and the property user and/or tenant as required in accordance with provisions of N.J.A.C. 5:70 et seq.

SECTION VIII. VIOLATIONS AND PENALTIES

For violation of any provision of this chapter, the penalty for a first offense will be a fine of up to \$100, and the penalty for any and all subsequent offenses will be a fine of up to \$100 and/or up to 90 days' community service.

SECTION IX. REPEALER

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION X. SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION XI. EFFECTIVE DATE

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: April 4, 2011

Adopted: May 2, 2011