

§ 13-1 UNIFORM FIRE CODE.

§ 13-1.1 Local Enforcement of New Jersey Uniform Fire Code by Bureau of Fire Prevention.

[Ord. #85-493, S 1; Ord. #07-1250, S 1]

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, C. 383) the provisions of the New Jersey Uniform Fire Code, N.J.A.C. 5:70, shall be locally enforced in the Township of Montgomery in Somerset County, New Jersey. The local enforcing agency shall be the Bureau of Fire Prevention. The terms "local enforcing agency" and "Bureau of Fire Prevention" may be used interchangeably in this section.

§ 13-1.2 Membership in Bureau of Fire Prevention.

[Ord. #85-493, S 1; Ord. #96-882, S 2]

The Bureau of Fire Prevention shall consist of the Fire Official, Fire Inspectors and assigned support staff.

§ 13-1.3 Duties of Bureau of Fire Prevention.

[Ord. #85-493, S 1; Ord. #07-1250, S 1]

The Bureau of Fire Prevention shall enforce the Uniform Fire Safety Act (P.L. 1983, C. 383) and all codes and regulations adopted thereunder in all buildings, structures and premises, other than owner-occupied one and two family dwellings, within the established boundaries of the Township of Montgomery and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code (N.J.A.C. 5:70). The Bureau of Fire Prevention shall be responsible for the periodic inspection of life hazard uses as required by the Uniform Fire Code. The Bureau of Fire Prevention shall annually prepare a report and transmit the same to the Township Committee, and the Commissioners of Fire Districts Nos. 1 and 2 summarizing the activities of all proceedings under the Uniform Fire Code which report shall contain, without limitation, statistics concerning the number and location of inspections and violations, relevant municipal court action and recommendations for means of fire prevention. The Bureau of Fire Prevention shall meet at such times as may be necessary to fulfill its responsibilities, but in any event, not less than bimonthly.

§ 13-1.4 Fire Official.

[Ord. #85-493, S 1; Ord. #96-882, S 7]

The routine administration of the responsibilities of the local enforcing agency shall be performed by the Fire Official. The Fire Official shall be appointed by the Township Committee. The Fire Official shall serve for a term at the pleasure of the Township Committee.

§ 13-1.5 Board of Appeals.

[Ord. #85-493, S 1; Ord. #96-882, S 3; Ord. #07-1246, S 2; Ord. #07-1250, S 1]

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act (P.L. 1983, C. 383) any person aggrieved by any order of the local enforcing agency shall have the right to appeal that order to the Somerset County Construction Board of Appeals. Except for imminent hazard cases, the appeal shall be taken no later than the fifteenth day after service of the order.

§ 13-1.6 Annual Registration Fees.

[Ord. #85-493, S 1; Ord. #96-882, S 4]

Collection of the annual registration fees for non-life hazard uses established pursuant to the Uniform Fire Code shall be performed by the local enforcing agency.

§ 13-1.7 Registration Fees and Inspection Requirements for Non-Life-Hazard Uses.

[Ord. #85-493, S 1; Ord. #86-532, S 1; Ord. #96-882, S 5; Ord. #99-991, S 1; Ord. #07-1250, S 1; Ord. #11-1389, S 1; amended 9-20-2018 by Ord. No. 18-1591]

In addition to the inspection requirements of the Uniform Fire Code, the following registration fees shall be required in the Township of Montgomery:

a.

Industrial and commercial uses not classified as "life hazard uses" by the Uniform Fire Code:

Gross Floor Area (square feet)	Fee
Under 499	\$50
500 to 999	\$75
1,000 to 2,999	\$100
3,000 to 5,999	\$125
6,000 to 11,999	\$200
12,000 to 23,999	\$300
24,000 to 40,000	\$400
For every additional 1,000 square feet above 40,000	\$5
Religious uses or places of worship, or similar uses	Exempt
Agricultural uses or farm structures or similar uses	\$50 per structure

The payment of the above fees shall be the responsibility of the occupant of the premises.

b.

Multiple-family dwellings:

Number of Units	Fee
3 to 5	\$50
6 to 25	\$125
25 and above	\$400

The payment of the above fees shall be the responsibility of the owner of the premises.

c.

The fee for entirely vacant retail or office space shall be 1/2 of the fee above-prescribed.

d.

The above-described fees shall be billed each January and paid by the party as designated above on or before the date specified in the notice served upon said party by the Fire Official, which date shall be at least 30 days from the date of the notice.

§ 13-1.8 Penalties.

[Ord. #85-493, S 1; Ord. #96-882, S 6; Ord. #07-1250, S 1]

The imposition of penalties, dedicated penalties and compensatory penalties for violations of this chapter and the New Jersey Uniform Fire Code shall be respectively governed by N.J.A.C. 5:70-2.12, 5:70-2.12A and 5:70-2.13, as amended from time to time, or any successor regulation, and, in accordance therewith, dedicated accounts shall be established for maintenance of any monies collected.

§ 13-1.9 Permit Fees.

[Ord. #86-516, S 1; Ord. #99-991, S 2; Ord. #07-1250, S 1; Ord. #11-1389, S 1; amended 9-20-2018 by Ord. No. 18-1591]

The following fees are hereby established for the types of permits described in the New Jersey Uniform Fire Code at N.J.A.C. 5:70:

Type	Fee
Type 1	\$65
Type 2	\$250
Type 3	\$480
Type 4	\$700
Type 5	Reserved

§ 13-1.10 File Information Requests.

[Ord. #92-755, S 4; Ord. #07-1250, S 1]

The fees for obtaining records of the Bureau of Fire Prevention shall be governed by subsection **2-12.2**, Government Records, of this Code.

§ 13-1.11 Smoke-Sensitive Alarm Devices.

[Ord. #96-882, S 8]

See subsection **8-1.6** of this Code.

§ 13-2 FIRE DISTRICTS.

§ 13-2.1 Establishment of Fire Districts.

[Ord. #77-328; Ord. #80-397; New]

There is hereby reestablished in the Township of Montgomery the following fire districts:

The Commissioners of Fire District No. 1, in the Township of Montgomery, County of Somerset.

The Commissioner of Fire District No. 2, in the Township of Montgomery, County of Somerset.

§ 13-2.2 Limits of Fire Districts.

[New]

The fire districts hereby established are shown on a map entitled "Road System" Township of Montgomery, January, 1976, now on file in the Office of the Township Clerk of the Township of Montgomery.

§ 13-3 RAPID ENTRY SYSTEM.

§ 13-3.1 Rapid Entry Required for Nonresidential Buildings.

[Ord. #87-568, S 1; Ord. #90-686, S 1; amended 9-20-2018 by Ord. No. 18-1591]

The owner of any nonresidential building constructed or for which a continuing certificate of occupancy is sought subsequent to the enactment of this section in the Township of Montgomery shall install a rapid entry system for use in the event of a fire. The Fire Official shall approve the type and location of the rapid entry system, giving due regard to the accessibility and other reasonable requirements which will facilitate the proper function of the rapid entry system. In the case of a multi-tenanted or multi-use, nonresidential building where the tenants or uses share a main common entrance, at least one rapid entry system for every five tenants or uses, as the case may be, shall be installed at the main common entrance. In the case of multi-tenanted or multi-use nonresidential buildings comprised of units with separate entrances (e.g., shopping centers and office condominiums), at least one rapid entry system for every five tenants or uses, as the case may be, shall be installed; provided, however, that in no event shall the distance between the entrance from a unit to the rapid entry system exceed 75 feet. The owner of the building shall be responsible for the maintenance and inspection of the rapid entry system.

§ 13-3.2 Written Agreements with Township and Fire District Required for Use of Rapid Entry System.

[Ord. #87-568, S 1]

Each owner, occupant or tenant of the commercial building shall determine whether or not it wishes to make use of the rapid entry system. In the event that the owner, occupant or tenant opts to make use of the rapid entry system, he shall enter into a written agreement with the Township and the appropriate Fire District providing the terms and conditions of the use of but shall not be limited to the keys and other contents of the box, the owner's, occupant's or tenant's contact person, persons who will have access to the rapid entry system and under what conditions the rapid entry system shall be used.

§ 13-3.3 Fire Fighting Methods.

[Ord. #87-568, S 1]

The installation of the rapid entry system shall not preclude any fire department, fire company or fire fighter from using traditional fire fighting methods to gain access to the building. The failure of any fire department, fire company or fire fighter to use the rapid entry system shall not give rise to liability.

§ 13-3.4 Notification to Fire Official of Changes in Occupancy or Ownership.

[Ord. #87-568, S 1]

It shall be the responsibility of the owner and occupant or tenant to advise the Fire Official of any change in the ownership or occupancy of the building or any substitution of the contact person within 10 days of such change.

§ 13-4 INTERFERENCE WITH FIRE SUPPRESSION FORCES.

§ 13-4.1 Interference with Fire Department Operations.

[Ord. #92-755, S 4]

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

§ 13-4.2 Compliance with Orders.

[Ord. #92-755, S 4]

A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Chief or officer in command or to interfere with the compliance attempts of another individual.

§ 13-4.3 Vehicles Crossing Fire Hose.

[Ord. #92-755, S 4]

A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the Fire Chief or officer in command of said operation.

§ 13-4.4 Damage or Injury.

[Ord. #92-755, S 4]

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department emergency vehicle at any time, or to injure, or attempt to injure or conspire to injure fire department personnel while performing departmental duties.

§ 13-5 FIRE HYDRANTS.

§ 13-5.1 Public Hydrants.

[Ord. #92-755, S 4]

Hydrants in all zoning districts shall be spaced with a hydrant installed at each intersection at least one every 600 feet along the roadway measured along the roadway edge.

§ 13-5.2 Private Hydrants.

[Ord. #92-755, S 4]

Hydrants installed on private property shall be located and spaced according to the occupancy and site design requirements set forth in subsection **13-5.1** above.

§ 13-5.3 Additional Requirements.

[Ord. #92-755, S 4]

All public and private hydrants shall have two 2.5 inch outlets and one 4.5 inch outlet with national standard threads. All hydrants shall be located within 24 inches of a curb, roadway, fire lane or parking area and must be provided with an individual control valve. All hydrants must be supplied by a water main of a minimum of six inches in diameter which shall be maintained up to the individual hydrant valve and in no case shall be more than 10 feet from the hydrant. All hydrants shall be installed in accordance with the standards of the American Water Works Association and NFPA-24. Hydrant elevation shall provide a minimum of 18 inches and a maximum of 36 inches clearance between finished grade and center of the 4.5 inch outlet.

§ 13-5.4 Approval.

[Ord. #92-755, S 4]

The Fire Official, in conjunction with the Township Engineer, shall approve the placement and water supply piping of all fire hydrants prior to installation. The Fire Official shall recommend to the Township Committee the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located

upon public property and deemed necessary to provide adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Official.

§ 13-5.5(Reserved) [1]

[1]

Editor's Note: Former subsection 13-5.5, Blocking Fire Hydrants, previously codified herein and containing portions of Ordinance No. 92-755 was repealed in its entirety by Ordinance No. 96-881. See subsection [3-11.8](#) for regulations pertaining to blocking of fire hydrants.

§ 13-6 FIRE DEPARTMENT CONNECTIONS.

§ 13-6.1 Siamese Connections.

[Ord. #92-755, S 4]

All new and existing fire department siamese connections shall be provided with a light with red lens. This light shall be illuminated at all times to provide for quick location of the connection by responding fire departments.

§ 13-6.2(Reserved) [1]

[1]

Editor's Note: Former subsection 13-6.2, Blocking Fire Department Connections, previously codified herein and containing portions of Ordinance No. 92-755, was repealed in its entirety by Ordinance No. 96-881. See subsection [3-11.9](#) for regulations pertaining to blocking Fire Department connections.

§ 13-7 FIRE ALARM SYSTEMS.

§ 13-7.1 Definitions.

[Ord. #92-755, S 4]

FALSE ALARM

Shall mean any fire alarm causing to direct notification to a fire department through an alarm panel, switchboard or alarm lines, due to misuse, accident, improper supervision, or equipment malfunction and not due to an unpreventable unavoidable outside cause.

FIRE ALARM SYSTEM

Shall mean a system used for the detection of fire, smoke or similar hazards containing automatic detecting device(s) which actuate an alarm signal, requiring response by fire suppression forces. It includes protective signaling systems or devices designed to transmit alarms and supervisory and trouble signals necessary for the protection of life and property.

§ 13-7.2 Fire Alarm System Permit.

[Ord. #92-755, S 4]

No person or business shall install, maintain or use, or cause to be installed, maintained or used, or allow on any premises owned or occupied by him installation, maintenance or use of, any fire alarm system, except pursuant to a fire alarm system permit issued by the Fire Official and such regulations as may be issued pursuant hereto.

§ 13-7.3 Issuance of Permits.

[Ord. #92-755, S 4]

Application forms issued by the Fire Official shall include the following information:

a.

The name, address and telephone number of the permittee applicant.

b.

The owner's name, address and telephone number, and the address of the location of the fire alarm system.

c.

A description and type of the fire alarm system.

d.

Telephone number of two individuals who have agreed to be responsible in case of an emergency or otherwise relating to the premises or the alarm system.

e.

The name, address, business and emergency telephone number of the individual or company responsible for and authorized at the permittee's expense to service the system upon request of the Fire Official.

f.

An acknowledgment that the applicant consents to Fire Official inspection of the system and the premises where the system is installed in addition to that permitted or required by State law or regulation.

g.

An agreement to test the fire alarm system in the Fire Official's or his designee's presence either annually or as required following transmission of a false alarm.

Except where a permit is or has been suspended, permits issued hereunder shall be issued automatically so long as the applicant and the system are in compliance with this section and such regulations as may be issued pursuant hereto, provided, however, that the Fire Official may impose reasonable conditions upon any permit where, in his judgment, each condition is reasonably required for the proper function of the fire alarm system or the safety and convenience of the fire department or police, other possibly responding emergency units, or the public. No further permit shall be required unless the information previously submitted or a permit expires. The owner of the premises shall file a revised, amended or supplemental application, at no additional charge, containing accurate, current information, within 10 days of the change in the original information submitted to the Township.

A permit shall be issued upon submission of the permit application if the equipment is in conformance with the above provisions and upon payment of the fire alarm system permit fee.

§ 13-7.4 Schedule of Fees.

[Ord. #92-755, S 4]

The fee for a fire alarm system permit shall be \$5, payable annually.

§ 13-7.5 System to be in Good Working Order.

[Ord. #92-755, S 4]

All fire alarm systems shall be maintained in good working order by the permittee, and in particular, in a manner so as to avoid the occurrence of false alarms. The occurrence of three false alarms within the term of any permit shall constitute prima face evidence that the system was not maintained in good working order.

§ 13-7.6 False Alarms.

[Ord. #92-755, S 4]

In the case of a false alarm, the local Fire Official shall investigate or cause to be investigated and keep a record of said alarm on file. If, in the opinion of the Fire Official, an investigation discloses that the false alarm was due to misuse, accident, improper supervision, or equipment malfunction and was not due to an unpreventable, unavoidable outside cause, the Fire Official shall provide notice and order corrective action.

The Fire Official shall serve on the owner of the building a written order stating the nature of the violations and the date by which the violations must be corrected according to the provisions of the Uniform Fire Code.

§ 13-7.7 False Alarm Penalties.

[Ord. #92-755, S 4]

Any person who, after receiving notice of the malfunction of the fire alarm system, and a written order pursuant to subsection [13-7.7](#), and is provided an opportunity to correct the malfunction, refuses or neglects to comply with such order, shall be subject to a penalty as set forth below in addition to any other penalties issued under State law or regulation for improper installation or maintenance of a fire alarm system:

a.

For the second false alarm — a first warning will be issued.

b.

For the third false alarm — revocation of the permit and a permit restoration fee of \$150.

c.

For the fourth false alarm — revocation of the permit and a permit restoration fee of \$300.

d.

For subsequent alarms — revocation of the permit and a permit restoration fee of \$500.

§ 13-7.8 Resetting Fire Alarm Systems.

[Ord. #92-755, S 4]

An activated fire alarm system shall not be cleared or reset until it has been clearly determined that the activation is not due to smoke or other fire conditions on the premises where the system is located and, in the case where a fire department has been dispatched, an activated fire alarm system shall not be cleared or reset without approval from a responding fire department officer or fire inspector from the Bureau of Fire Prevention.

§ 13-7.9 Revocation of Permit.

[Ord. #92-755, S 4]

The Chief of Police or the Fire Official may revoke any fire alarm system permit issued pursuant to this section if the Fire Official determines the fire alarm system has been operated or maintained in violation of these provisions, or for failure to pay the required fee. The owner of the fire alarm system must receive written notice of the violation and an opportunity to be heard. The fee for reinstatement of any fire alarm system permit revoked under this section shall be \$150; however, the reinstatement fee for any fire alarm system permit revoked because of numerous false alarms shall be as set forth in subsection [13-7.7](#) hereinabove.

§ 13-7.10 Penalties for Violation.

[Ord. #92-755, S 4]

The minimum penalty to be imposed for the conviction of a violation of this section shall be a fine in the amount of \$100. This provision is not intended to limit the discretion of the Municipal Judge to impose a penalty in excess of the minimum and the provisions regarding maximum penalties contained in Chapter [1](#), section [1-5](#) shall be applicable to persons convicted of a violation of this section.

[§ 13-7.11 Appeals.](#)

[Ord. #92-755, S 4]

Any person aggrieved by a regulation, condition attached to a permit, suspension of a permit, failure to issue a permit or penalties imposed for violation of this subsection may appeal to the Bureau of Fire Prevention. An appeal shall be taken by filing a written statement with the Bureau of Fire Prevention, which statement shall set forth fully the matter under appeal and the grounds for appeal. The Bureau of Fire Prevention shall then set a time and place for a hearing of the appeal, notify the appellant, conduct the hearing and affirm, modify or reverse the matter appealed. The Bureau of Fire Prevention shall have the right, however, to refuse to hear or decide any appeal which has not been filed within 14 days after the appellant had notice of the matter as to which the appeal has been taken.

[§ 13-7.12 Limitations of Township's Obligations.](#)

[Ord. #92-755, S 4]

[a.](#)

Notwithstanding the issuance of any permit, the Township assumes no obligation to allow a particular fire alarm system or type of fire alarm system beyond December 31 of any year, if the Bureau of Fire Prevention shall find that it is not in the public interest so to do.

[b.](#)

Neither the Township nor its agents or employees assume any obligation whatsoever concerning the adequacy, operation or maintenance of any fire alarm system. Neither the Township nor its agents or employees assume any liability whatsoever for any failure of any fire alarm system, failure to respond to any such alarm system, or for any act or omission or commission relating to any such alarm system.

[c.](#)

The permittee, upon acceptance of his permit, by that action agrees to hold and save harmless the Township its agents and employees from any liability whatsoever in connection with an alarm system or the operation of same.