

ORDINANCE NO. 20 –10 -2020

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING TOWNSHIP CODE SECTION 76 FIRE PREVENTION TO ESTABLISH A DESIGNATED LOCAL ENFORCING AGENCY RESPONSIBLE FOR THE ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE

WHEREAS, the State is concerned with enforcement of the New Jersey Uniform Fire Code which requires fire inspections on different forms of living accommodations; and

WHEREAS, the Kingwood Township, for the preservation of the public health, safety, and welfare of the municipality and its inhabitants, is concerned about the enforcement of fire inspections in buildings categorized as life-hazard uses.

WHEREAS, the Township wishes to comply with the regulations set out by the Uniform Fire Safety Act and ensure that the inspections of life-hazard uses are performed on a regular basis by a competent, responsible agency designated by the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

Section 1.

Section 76 of the Kingwood Township Code, “FIRE PREVENTION” is hereby deleted in its entirety and replaced with the following:

§ 76-1. Primary Fire Protection Agency Designated.

The Kingwood Township Fire Company is recognized and designated as the primary fire protection agency within the boundaries of the Township of Kingwood, Hunterdon County, New Jersey.

§ 76-2. New Jersey Uniform Fire Code.

The New Jersey Uniform Fire Code shall be locally enforced in the Township of Kingwood.

§ 76-3. Local Enforcing Agency Designation

- A. The local enforcing agency shall be the Raritan Township Bureau of Fire Prevention.
- B. The local enforcing agency established herein shall be a part of the Bureau of Fire Prevention and shall be under the direct supervision and control of the Fire Marshal, who shall be appointed by Raritan Township.

§ 76-4. Local Enforcing Agency; Duties

- A. Duties. The local enforcement agency shall enforce the New Jersey Uniform Fire Code (N.J.S.A. 52:27D-192 et. seq.) in all buildings, structures and premises within the establishment boundaries of the Township of Kingwood, other than owner-occupied one- and two-family dwellings and shall faithfully comply with the requirements of the New Jersey Uniform Fire Code.
- B. Required Life Hazard Use Inspections; Fees. The local enforcing agency shall carry out the cyclical inspections of life hazard uses as required by the New Jersey Uniform Fire Code on behalf of the Commissioner of the Department of Community Affairs. The local enforcing agency shall also carry out inspections of non-life hazard uses pursuant to Section 76-7 of the Code of the Township of Kingwood. When in the opinion of the Fire Marshal there exist conditions likely to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or violate the provisions or intent of this chapter,

additional inspections may be made as often as necessary for the purpose of ascertaining these conditions and causing them to be corrected.

- C. Fees. The Bureau of Fire Prevention shall also collect fees for permits, certificates of fire code compliance and certificates of smoke detector and carbon monoxide alarm compliance (CSDCMAC) as set forth in the New Jersey Uniform Fire Code and Section 76-4(B) as follows:

Type of Permit	Fees
Type 1	\$55
Type 2	\$215
Type 3	\$430
Type 4	\$645
Type 5	Reserved

The application fee for a certificate of smoke detector and carbon monoxide alarm compliance shall be:

1. Requests for a CSDCMAC received more than 10 business day prior to the change of occupancy: \$50.
2. Requests for a CSDCMAC received four to 10 business days prior to the change of occupancy: \$100.
3. Requests for a CSDCMAC received fewer than four business days prior to the change of occupancy: \$160.

A \$50 reinspection fee will be charged for all failed inspections.

Certificate of code compliance: \$65.

§ 76-5. Appointment of Inspectors.

In the event that it is necessary for the appointment of inspectors to carry out the provisions requiring inspection activity in the Township, such inspectors shall be appointed by the Raritan Township Committee upon the recommendation of the Fire Marshal and Fire Chief of the Raritan Township Fire Company. The inspector(s) shall be under the supervision and control of the Fire Marshal. The Kingwood Township Attorney shall serve as legal counsel for the enforcement of this chapter.

§ 76-6. Right to Appeal.

Any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of the County of Hunterdon.

§ 76-7. Non-Life Hazard Uses; Registration, Inspections and Fees.

- A. Registration. Non-life-hazard uses shall be registered with the local enforcing agency. Specifically, all non-life-hazard businesses and multiple-dwelling residential buildings in the Township of Kingwood shall register with the local enforcing agency on a form provided by the agency. New businesses and multiple-dwelling residential buildings must be registered within 30 days of occupancy. Failure to register will subject the owner of the business or multiple-dwelling residential building to a penalty of \$250 issued by the Fire Marshal.
- B. Inspections. Non-life-hazard uses shall be inspected through a cyclical program established by the local enforcing agency which shall be done on a biannual basis.
- C. Registration fees. The operator of a non-life-hazard business or multiple-dwelling residential building shall pay to the Raritan Township Bureau of Fire Prevention a registration fee. This fee shall be assessed upon inspection. The fee shall be as follows (square footage is based upon gross floor area of all floors, including basements):

1. As to business uses:
 - a. Occupancy under 2,000 square feet: \$65.
 - b. Occupancy 2,001 to 3,999 square feet: \$75.
 - c. Occupancy 4,000 to 5,999 square feet: \$125.
 - d. Occupancy 6,000 to 7,999 square feet: \$175.
 - e. Occupancy 8,000 to 9,999 square feet: \$225.
 - f. Occupancy 10,000 to 11,999 square feet: \$275.
 - g. Occupancy 12,000 to 13,999 square feet: \$325.
 - h. Occupancy over 14,000 square feet: \$375.
 - i. Retail or commercial common area: \$175.
 2. As to multiple-family residential dwellings:
 - a. Multiple-family dwelling:
 - i. One to five units: \$100.
 - ii. Six to 25 units: \$125.
 - iii. Over 25 units: \$225.
- D. Failure to pay registration fees. It shall be unlawful to refuse to pay the registration fee after being given notice to do so as per the fee schedule established by this subsection. Any penalties assessed are in addition to others previously assessed. Full payment shall be made within 30 days of issuance of the notice by Raritan Township for payment of the registration fee. If payment is not received in 30 days, the matter will be referred to the Raritan Township Attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.). A minimum \$25 late penalty will be assessed.

Section 2: Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Kingwood, held April 2, 2020, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on May 7, 2020, at 7:00 p.m., at the Kingwood Township Municipal Building, located at 599 Oak Grove Rd, Frenchtown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

ATTEST: May 7, 2020

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF KINGWOOD**

Cynthia Keller, Township Clerk

Thomas Ciacciarelli, Mayor

ROLL CALL	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
R Dodds						
M Syrnick						
T Ciacciarelli						

I, Cynthia L. Keller, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of Ordinance No. 20-10-2020 adopted by the Kingwood Township Committee on May 7, 2020.

Cynthia L. Keller, RMC
Township Clerk