

FIRE PROTECTION

CHAPTER 11.

FIRE PROTECTION.¹

Article I. In General.

- § 11-1. Driving over fire hose.
- § 11-2. Interference with members of fire department, etc., at fires.
- § 11-3. False fire alarms.
- § 11-4. Operation of, interference with, etc., fire hydrants.

Article II. Fire Department.

Division 1. Generally.

- § 11-5. Fees for special services.
- § 11-6. Repealed.
- § 11-7. Composition of fire department.
- § 11-7.1. Duties; hours.
- § 11-8. Members of department not eligible for office while under suspension, etc.
- § 11-9. Badges.
- § 11-10. Fire chief to be executive head of fire department; promulgation of rules, etc.
- § 11-11. Charges against members of department; hearing on same; penalty.
- § 11-12. Repealed.
- § 11-13. Letters of appointment.

Division 2. Fire Chief.

- § 11-14. Head of fire department; appointment; compensation.
- § 11-15. Entire time to be devoted to discharge of duties; command at fires.
- § 11-16. Control, etc., of apparatus.
- § 11-17. Repealed.
- § 11-18. Records to be kept relating to firemen.
- § 11-19. Enforcement of rules, regulations, etc.
- § 11-20. Report to town administrator of members of department unable to perform duties.
- § 11-21. Enforcement of laws and ordinances relating to fire prevention.

¹ For state law authorizing town to provide for the protection of life and property from fire, see R. S., § 40A:14-7.

As to gas, see ch. 12 of this Code. As to sale and discharge of fireworks, see § 14-7. As to oil burning equipment and fuel oil storage, see ch. 15. As to building fire in parks generally, see § 16-3.

Division 3. Paid Firemen.

- § 11-22. Composition of uniformed force of paid firemen.
- § 11-23. Vacancies.
- § 11-24. Qualifications.
- § 11-25. Platoons.
- § 11-26. Hours on duty.
- § 11-27. Repealed.

Division 4. Volunteer Firemen.

- § 11-28. Composition of volunteer force of firemen.
- § 11-29. Appointment; qualifications.
- § 11-30. Applications for appointment.
- § 11-31. Answering fire alarms; roll call in firehouse after return from fire.
- § 11-32. Volunteer firemen to be under direction of the fire chief at fires; leaving fire before permission granted.
- § 11-33. Resignations.
- § 11-34. Volunteer fireman residency requirement.
- § 11-35. Exemption certificates.
- § 11-36. Fire chief to keep roll of members of volunteer force.
- § 11-37. Fire chief to credit volunteers with attendance at fires.
- § 11-37.1. Removal from membership; leaves of absence; computation of attendance percentages; clothing allowances.

Article III. Fire Prevention Code.

- § 11-38. Local enforcement.
- § 11-39. Agency designation.
- § 11-40. Duties.
- § 11-41. Life hazard uses.
- § 11-42. Organization.
- § 11-43. Appointments, terms of office, removal.
- § 11-44. Board of appeals.
- § 11-45. Additional required inspections and fees.
- § 11-45.1. Smoke detector and carbon monoxide alarm compliance in buildings with one or two dwelling units only – Fees for inspections.
- § 11-45.2. Penalties for failure to obtain the required inspection and certificate for smoke alarms as required by N.J.S.A. 52:27D-192 et seq.
- § 11-45.3. Compliance with Exterior Property Maintenance Code.
- § 11-46. Testing of underground tanks.
- § 11-47. Permits.
- § 11-48. Technical amendments.
- § 11-49. Identifying emblems for structures with truss construction.

Article IV. Fire Zones.

- § 11-50. Establishment.
- § 11-51. Purpose.
- § 11-52. Designation.
- § 11-53. Parking or standing.
- § 11-54. Failure to implement; nonapproved zone
- § 11-55. Definitions.
- § 11-56. Enforcement.
- § 11-57. Ratification.
- § 11-58. Severability.
- § 11-59. Repeal.
- § 11-60. Effective date.

Article V. Rapid Access Key Boxes and Security Caps.

- § 11-61. Rapid access key boxes and fire department connection security caps.
- § 11-62. Nonapplicability to certain dwellings.
- § 11-63. Rapid access key box contents.
- § 11-64. Master key security.
- § 11-65. Administration; recordkeeping; notification; registration.
- § 11-66. Time for compliance.
- § 11-67. Penalties.
- § 11-68. Effective date.

Article I. In General.

Sec. 11-1. Driving over fire hose.

No person shall drive or operate any vehicle over any other fire apparatus.
(1932 Revision, tit. 5, ch. 1, art. 5, § 1.)

Sec. 11-2. Interference with members of fire department, etc.; at fires.

No person shall willfully hinder or molest a member of the fire department or other town officer in the performance of his duty at a fire.
(1932 Revision, tit. 5, ch.1, art. 5, § 2.)

Sec. 11-3. False fire alarms.

No person shall raise, create or continue a false alarm of fire or operate a fire alarm box without reasonable cause. (1932 Revision, tit. 5, ch.1, art. 5, § 3.)

Sec. 11-4. Operation of, interference with, etc., fire hydrants.

No person shall obstruct, damage or in any way interfere with any fire hydrant, nor shall any person, except members of the fire department, the town engineer and his assistants or employees and persons holding permits from the Elizabethtown Water Company, operate any such fire hydrant. (1932 Revision, tit. 4, ch.1, § 23.)

Article II. Fire Department.²

Division 1. Generally.

Sec. 11-5. Fees for special services.

The following fees are hereby fixed and established for certain services and materials distributed by the fire department of the town:

(a) Copies of fire alarm reports – three dollars each copy.

(b) Copies of fire photographs – three dollars each photograph.

(G.O. No. 1072, § 1.)

Sec 11-6. Repealed by General Ordinance No. 1091, § 1.

Sec 11-7. Composition of fire department.

The fire department of the town shall consist of a uniformed force of paid firemen and a company of volunteer firemen, as provided in this chapter. (1932 Revision, tit. 5, ch. 1, art. 1, § 1.)

Sec. 11-7.1. Duties; hours.

The fire department shall have all the functions, powers and duties as prescribed by law for a municipal fire department generally, or by any provision of the Charter and ordinances of the town.

The fire department shall provide fire protection services twenty-four hours a day. The town administrator or department head may require any officer or employee to be in attendance for work at any time whenever he determines that an emergency or need requires. (G.O. No. 994, § 3.)

Sec. 11-8. Members of department not eligible for office while under suspension, etc.

No person shall be elected an officer of the fire department while under suspension or while charges are pending against him. (1932 Revision, tit. 5, ch. 1, art. 3, § 12.)

² For state laws as to fire departments generally, see N.J.S.A., § 40A:14-7 et seq. As to maintenance electrician for fire department, see § 2-12 of this Code.

Sec. 11-9. Badges.

Every member of the fire department shall wear a badge which shall have stamped thereon the letters: "W.F.D." and the number of the member to whom it is issued. All badges shall be the property of the town and shall be distributed to the members of the department by the fire chief. Upon the resignation, removal or death of a member, his badge shall be returned to the fire chief. No member shall loan his badge. (1932 Revision, tit. 5, ch. 1, art. 4, § 1; G.O. No. 1091, § 2.)

Sec. 11-10. Fire chief to be executive head of fire department, promulgation of rules, etc.

The fire chief shall be directly responsible to the appropriate authority, within the meaning of applicable law of the State of New Jersey, for the efficiency and routine day-to-day operations of the fire department and shall have the authority to assign day-to-day duties to its members and other personnel of the department and shall make reports in writing each month to the appropriate authority of the operations and conduct of the fire department during the preceding month.

The fire chief shall, among other duties:

- (a) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the fire department and its officers and personnel;
 - (b) Have, exercise and discharge the functions, powers and duties of the fire department;
 - (c) Prescribe the duties and assignments of all subordinates and other personnel;
- and

Delegate such authority, as he or she may deem necessary for the efficient operation of the fire department to be exercised under his or her direction and supervision. (G.O. No. 1209, § 1; 1932 Revision, tit. 5, ch. 1, art. 2, § 14; G.O. No. 733; G.O. No. 1091, § 3; G.O. No. 1891, § I.)

Sec. 11-11. Charges against members of department hearing on the same; penalty.

Charges preferred against a member of the fire department accusing such member of incapacity, misconduct or disobedience of the rules and regulations established for the fire department shall be set forth in a written complaint signed by the person making the charge. All charges shall be specific and the complaint shall contain a statement of the essential facts upon which the charges are based. The complaint shall be filed in the office of the fire chief before whom a hearing on such charges will be held. A copy of the complaint shall be served upon the fire department member with a notice of a hearing thereon designating its time and place which shall be not less than fifteen nor more than thirty days from the date of the service of the complaint. If the member of the fire department against whom charges are preferred shall be found guilty thereof, he shall be subject to reprimand, fine, forfeiture of days off, reduction in rank, suspension or removal from the service as determined in each case by the fire chief. (1932 Revision, tit. 5, ch. 4, § 2; 1932 Revision, tit. 5, ch. 1, art. 4, § 4; G.O. No. 1091, § 4.)

Sec. 11-12. Repealed by General Ordinance No. 1091, § 4.

Sec. 11-13. Letters of appointment.

Letters of appointment, signed by the fire chief, shall be given to all members of the fire department when they are appointed after having complied with all requirements of the town and the State. (G.O. No. 1091, § 5.)

Division 2. Fire Chief.

Sec. 11-14. Head of fire department; appointment; compensation.

There shall be a fire department, the head of which shall be the fire chief. He shall be appointed by the town administrator with the consent of the mayor and approval of the council, and shall receive such annual compensation as is provided in the salary ordinance. (G.O. No. 994, § 3.)

Sec. 11-15. Entire time to be devoted to discharge of duties; command at fires.

The fire chief shall devote his entire time to the discharge of the duties of his office and shall exercise supreme command at all fires and alarms of fire over all members of the fire department and all other persons who may aid the department at fires. In the absence of the fire chief at a fire or an alarm of fire, the deputy chief of the uniformed force of paid firemen who shall be in charge of the firehouse shall be in command of the entire force, paid and volunteer. (1932 Revision, tit. 5, ch. 1, art. 2, § 3.)

Sec. 11-16. Control, etc., of apparatus.

The fire chief shall have charge of the apparatus and all other property of the department and shall assure himself by personal inspection that the several companies are kept at the highest point of efficiency, that the fire house is being properly conducted and kept in good order and that all property of the department is kept in condition for immediate and efficient service. He shall keep a record of all business transacted by the department and shall approve all bills for expense of the department, except those rendered for fixed charges. He shall keep a record of the quantity, kind and condition of hose in the department with such other data as may be necessary to ensure at all times accurate knowledge of its condition. (1932 Revision, tit. 5, ch. 1, art. 2, § 4; G.O. No. 1091, § 6.)

Sec. 11-17. Repealed by G.O. No. 1091, § 7.

Sec. 11-18. Records to be kept relating to firemen.

The fire chief shall keep a record of all appointments, resignations, dismissals, removals and deaths of firemen as they take place, with such other particulars as may be

necessary. He shall also keep a record of all fire badges distributed by him. (1932 Revision, tit. 5, ch. 1, art. 2, § 6; G.O. No. 1091, § 8.)

Sec. 11-19. Enforcement of rules, regulations, etc.

It shall be the duty of the fire chief to see that all laws, ordinances, rules regulations and orders relative to the department are promptly enforced and obeyed, and that all derelictions or transgressions that may come to his knowledge are promptly investigated. (1932 Revision, tit. 5, ch. 1, art. 2, § 7; G.O. No. 1091, § 9.)

Sec. 11-20. Report to town administrator of members of department unable to perform duties.

The fire chief shall promptly report to the town administrator any officer or member of the uniformed force who by reason of age, disease, accident or other disability cannot fully, promptly and properly perform full duty in the department. (1932 Revision, tit. 5, ch. 1, art. 2, § 8; G.O. No. 1091, § 10.)

Sec. 11-21. Enforcement of the laws and ordinances relating to fire prevention.

The fire chief shall see that all laws and ordinances relating to fire prevention are observed and shall perform such other duties as may be prescribed by the laws of the State. (1932 Revision, tit. 5, ch. 1, art. 2, § 9; G.O. No. 1091, § 11.)

Sec. 11-22. Composition of uniformed force of paid firemen.

The regular uniformed force of paid firemen shall consist of the following:

- (a) A fire chief
- (b) No more than two deputy chiefs
- (c) No more than four captains
- (d) No more than nine lieutenants
- (e) No more than twenty-four firefighters
- (f) No more than seventy-five volunteer members

The town administrator is designated as the appropriate authority and shall be responsible for the overall performance of the fire department. The appropriate authority shall promulgate and adopt rules and regulations for the governance of the fire department and for the discipline of its members. (1932 Revision, tit. 5, ch. 1, art. 2, § 1; G.O. No. 620; G.O. No. 634; G.O. No. 923, § 1; G.O. No. 1091, § 12; G.O. No. 1891, § I.)

Sec. 11-23. Vacancies.

Any temporary vacancy in the position of fire chief may be filled by the town administrator with the consent of the mayor and the approval of the council. Any temporary vacancy in the ranks of the uniformed force may be filled by the fire chief with

the approval of the town administrator and consent of the mayor. (1932 Revision, tit. 5, ch. 1, art. 2, § 10; G.O. No. 1091, § 13.)

Sec. 11-24. Qualifications.

Members of the uniformed force shall be appointed by the fire chief with the consent of the town administrator and the mayor. No person shall be appointed unless he:

(a) Is a citizen of the United States.

(b) Is sound in body and of good health sufficient to satisfy the board of trustees of the policy and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system.

(c) Is able to read, write and speak the English language well and intelligently.

(d) Is of good moral character.

(e) Has not been convicted of any criminal offense involving moral turpitude.

(1932 Revision, tit. 5, ch. 1, art. 2, § 11; G.O. No. 1091, § 14.)

Sec. 11-25. Platoons.

The regular uniformed force of paid firemen shall be divided into four platoons or shifts. The members of such force shall be assigned to such platoon or shift from time to time by the fire chief. (1932 Revision, tit. 5, ch. 1, art. 2, § 12; G.O. No. 634; G.O. No. 1091, § 15.)

Sec. 11-26. Hours on duty.

Each paid member of the fire department of the town shall be on actual duty for an average of forty-two hours per week in any eight-week cycle. (1932 Revision, tit. 5, ch. 1, art. 2, § 13; G.O. No. 634; G.O. No. 670; G.O. No. 944, § 1; G.O. No. 965, § 1; G.O. No. 1091, § 16.)

Sec. 11-27. Repealed by G.O. No. 1091, § 17.

Division 4. Volunteer Firemen.

Sec. 11-28. Composition of volunteer force of firemen.

The volunteer force of firemen shall be composed of one company of not exceeding seventy-five members. (1932 Revision, tit. 5, ch. 1, art. 3, §§ 1, 2; G.O. No. 755, §§ 1, 2; G.O. No. 1091, § 18.)

Sec. 11-29. Appointment; qualifications.

All volunteer firemen shall be appointed by the fire chief, with the approval of the town administrator and consent of the major. Every volunteer fireman at the time of his appointment shall have the qualifications prescribed for members of the uniformed force of paid firemen, either by law or by section 11-24; except, that any volunteer fireman

may be under the age of twenty-one years but shall be at least eighteen years of age at the time of appointment. (1932 Revision, tit. 5, ch. 1, art. 3, § 3; G.O. No. 1091, § 19; G.O. No. 1102, § 1.)

Sec. 11-30. Applications for appointment.

Every application for appointment as a volunteer fireman shall be in the handwriting of the applicant, upon a blank furnished by the fire chief which shall be filed with the fire chief upon completion. The applicant shall state his age, residence and occupation and give evidence of his citizenship. The applicant shall signify his willingness to abide by the ordinances, rules and regulations governing the fire department. (1932 Revision, tit. 5, ch. 1, art. 3, § 4; G.O. No. 1091, § 20.)

Sec. 11-31. Answering fire alarms; roll call in the fire hours after return from fire.

All volunteer firemen shall answer and attend all alarms of fires within the town. Members shall proceed without delay to the place of alarm and report to the officer in command. Roll shall be called at the firehouse upon returning from every fire or alarm of fire. (1932 Revision, tit. 5, ch. 1, art. 3, § 13; G.O. No. 1091, § 21.)

Sec. 11-32. Volunteer firemen to be under direction of fire chief at fires; leaving fire before permission granted.

All volunteer firemen shall be under the direction of the fire chief or his deputy in command at all fires and alarms of fires. The officer in command at any fire shall have the power summarily to suspend any volunteer fireman for disobedience, misconduct or neglect of duty, such suspension to continue subject to the approval of the fire chief until the town council shall take action thereon. No volunteer fireman shall leave the scene of a fire until all apparatus is ready to return to headquarters unless permission to leave has been granted by the fire chief or his deputy in command. (1932 Revision, tit. 5, ch. 1, art. 3, § 14; G.O. No. 661; G.O. No. 1091, § 22.)

Sec. 11-33. Resignations.

Any member of the volunteer force who may desire to resign shall forward his resignation to the fire chief. If no charges exist against him, the fire chief shall accept such volunteer fireman's resignation. (1932 Revision, tit. 5, ch. 1, art. 3, § 15; G.O. No. 1091, § 23.)

Sec. 11-34. Volunteer fireman residency requirement.

A member of the volunteer force shall be a resident of the Town of Westfield or be employed within the Town of Westfield or be a resident of a municipality contiguous to the Town of Westfield. Any member of the volunteer force who fails to meet the aforesaid criteria shall, upon failure to file his resignation within 30 days after his

circumstances change so that he does not meet these criteria, be dropped from the rolls of the fire department. (1932 Revision, tit. 5, ch. 1, art. 3, § 16; G.O. No. 1459, § I.)

Sec. 11-35. Exemption certificates.⁴

Exemption certificates will be granted to all members of the volunteer force who have served as active firemen for the term prescribed by law and have performed sufficient fire duty for the same number of years, either successfully or in the aggregate. The time served shall be certified to by the town clerk and fire chief and the sufficiency of fire duty performed shall be certified to by the fire chief. (1932 Revision, tit. 5, ch. 1, art. 3, § 17; G.O. No. 1091, § 24.)

Sec. 11-36. Fire chief to keep roll of members of volunteer force.

The fire chief shall keep a roll of the active and exempt members of the volunteer force, with the dates of their admission, exemption and resignation. He shall also keep on file all applications for membership. (1932 Revision, tit. 5, ch. 1, art. 3, § 18; G.O. No. 1091, § 25.)

Sec. 11-37. Fire chief to credit volunteers with attendance at fires.

It shall be the duty of the fire chief or his deputy in charge at any alarm to be responsible for crediting the officers and members of the volunteer force with attendance at such alarm and to credit the officer or member of the volunteer force with such attendance if such officer in charge has granted such member permission to leave. (G.O. No. 661; G.O. No. 1091, § 26.)

Sec. 11-37.1. Removal from membership; leaves of absence; computation of attendance percentages; clothing allowances.

(a) Any volunteer fireman who shall fail to attend at least sixty percent of the volunteer training drills conducted by the department in any calendar year, or who shall fail to respond to at least twenty percent of the general and mutual aid alarms in any calendar year, shall be removed from membership in the department and shall not be eligible for clothing allowance or other benefits for such year. Leave of absence, for a period not to exceed one year, may be granted by the chief of the fire department, upon written application, for good cause shown.

(b) Only general and mutual aid alarms, box alarms transmitted over the home alerting system and volunteer training drills shall be included in computing attendance percentages for qualification for exempt status of volunteer firemen.

(c) All volunteer firemen in good standing shall be entitled to receive a clothing allowance for each calendar year as permitted by law, based and computed upon credits earned by each such fireman during such calendar year; except, that no volunteer fireman shall be entitled to such allowance who has failed to attend at least twenty percent of the

⁴ For state law as to exempt firemen and exempt firemen certificates, see R.S., §§ 40:14-55 to 40A:14-65.

total number of general and mutual aid alarms, box alarms transmitted over the home alerting system and volunteer training drills during such calendar year.

Credits shall be earned by volunteer firemen in the following manner:

- (1) For attendance at a general or mutual aid alarm, one and one-half credits.
- (2) For attendance at Box No. 5 alarm, one credit.
- (3) For attendance at a civil disorder or snow emergency alarm, three credits for each twelve hours or portion thereof on duty.
- (4) For attendance at a still alarm, one-half credit.
- (5) For attendance at a volunteer training drill, one credit.
- (6) For sleep-in duty at fire stations, three credits, plus credits for alarms rung during such duty, except as hereinafter limited.

(7) Credit will be given to a volunteer fireman for all general or mutual aid alarms rung during a period in which he is on duty, whether or not he shall actually respond, but no such credit will be given for Box No. 5 or still alarms rung during such period, unless the volunteer shall actually respond to and attend such alarms.

(d) For the purpose of computing clothing allowances, the maximum allowance for any volunteer fireman shall be four hundred dollars. Each volunteer fireman shall be entitled to such percentage of the maximum allowance, up to a maximum payment of four hundred dollars, as shall result from dividing the total number of credits earned by such volunteer fireman in the calendar year, as determined under subsection (c) of this section by eighty percent of the total number of credits occurring during such calendar year. (G.O. No. 1106, § 1; G.O. No. 1311, § 1; G.O. No. 1379, § I.)

Article III. Fire Prevention Code.

Sec. 11-38. Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act of the State of New Jersey (P.L. 1983, C. 383), which was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey, the New Jersey Uniform Fire Code shall be locally enforced in the Town of Westfield. (G.O. No. 1405, § I; G.O. No. 1787, § I.)

Sec. 11-39. Agency designation.

The local enforcing agency shall be the fire department of the Town of Westfield through its fire prevention bureau, under the supervision of the chief of the fire department. (G.O. No. 1405, § II; G.O. No. 1787, § I.)

Sec. 11-40. Duties.

The fire prevention bureau of the Westfield Fire Department shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures, and premises within the established boundaries of the Town of Westfield, 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. (G.O. No. 1405, § III; G.O. No. 1787, § I.)

Sec. 11-41. Life hazard uses.

The fire prevention bureau of the Westfield Fire Department shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the commissioner of community affairs of the State of New Jersey. The bureau of fire safety, department of community affairs, of the State of New Jersey is designated to collect and account for the annual registration fees established by the code. (G.O. No. 1405, § IV; G.O. No. 1787, § I.)

Sec. 11-42. Organization.

The local enforcing agency established by section 11-39 of this code shall be the fire prevention bureau under the direct supervision of the fire official, who shall report to the chief of the Westfield Fire Department. (G.O. No. 1405, § IV; G.O. No. 1787, § I.)

Sec. 11-43. Appointments; terms of office, removal.

(a) The local enforcing agency shall be headed by the fire official in charge of the fire prevention bureau for the Westfield Fire Department.

(b) The fire official shall serve for a term of one year, and shall be appointed by the fire chief with the approval of the town administrator and concurrence of the mayor. The bureau of fire safety, department of community affairs, shall certify the individual filling this position as a fire official by the bureau of fire safety, department of community affairs, State of New Jersey. The fire official may be assigned such other duties as may from time to time be designated by the fire chief.

(c) The chief of the fire department may appoint such other members of the fire department as inspectors in the bureau, as shall from time to time be necessary. Inspectors shall be paid members of the Westfield Fire Department and certified as fire inspectors by the bureau of fire safety, department of community affairs, State of New Jersey. Such inspectors may be assigned other duties as may from time to time be designated by the fire chief.

(d) The fire official, inspector and other employees of the enforcing agency shall be subject to removal by the chief of the Westfield Fire Department and/or the town administrator for inefficiency or misconduct. Each fire official, inspector or employee to be so removed shall be afforded an opportunity to be heard by the town council or a designated hearing officer.

(e) A report of the bureau of fire prevention shall be made annually and transmitted to the mayor; it shall contain a report of all proceedings under this article, with such statistics as the chief of the fire department shall also recommend to include therein. (G.O. No. 1405, § VI; G.O. No. 1787, § I.)

Sec. 11-44. 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 shall have the right to appeal to the construction board of appeals of Union County. (G.O. No. 1405, § VII; G.O. No. 1787, § I.)

Sec. 11-45. Additional required inspections and fees.

In addition to the inspection and fees required pursuant to the Uniform Fire Safety Act and regulations of the department of community affairs, the following additional non-life hazard inspections and fees shall be required and the owner of any premises or use group described hereafter shall be required to register the building, structure or uses with the fire official and after such registration notify the fire official of any change of use. There shall be no annual registration fee for such uses but there shall be inspection fees as shown.

<i>Building or Use</i>	<i>Frequency of Inspection</i>	<i>Fee Per Inspection</i>
(a) All individual food preparation establishments in a building or structure, except individual dwelling units, utilizing commercial cooking appliances, not specifically covered under other requirements of the code.	Annual	\$35.00
(b) All individual factory uses regardless of size in a building or structure, not specifically covered under other requirements of the code.	Annual	35.00
(c) All individual educational uses in a building or structure, not specifically covered under other requirements of the code.	Annual	35.00
(d) All activities in a building or structure involving the handling, storage or use of hazardous substances, materials or devices; or to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property or to install equipment used in connection with such activities which are not specifically covered under other requirements of the code.	Annual	50.00
(e) All hotels and multiple family dwellings containing more than two dwelling units.	Annual	50.00
(f) To abandon any underground flammable or combustible liquid storage tank including tanks used to store No. 2 heating fuel in single and two family dwellings, an inspection shall be required pursuant to a permit being issued by the	As scheduled	N/A

construction official. There shall be no additional fee for the fire prevention inspection.

(g) All individual places of public assembly in a building or structure not specifically covered under other requirements of the code.	Annual	\$50.00
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In addition to the requirements for registration and inspection of life hazard uses required by the Uniform Fire Safety Act and regulations of the department of community affairs of the State of New Jersey and the additional registration and inspection required by this code, the owner of any premises in which any storage, mercantile, business, educational, commercial, residential, amusement, recreational, social, political, religious, utility, industrial or manufacturing use is conducted, except for single and two family residential dwellings, shall be required to register the building, structure, or use with the fire official and notify the fire official of any change of use. The fire official and/or his designated representative shall have the right to inspect such premises, whether same are registered or not, to verify the nature of the use conducted there and to determine the presence, if any, of any fire hazards. There shall be no fee charged for such inspections. (G.O. No. 1405, § VIII; G.O. No. 1787, § I; G.O. No. 1820, § I; G.O. No. 1895, § I.)

Sec. 11-45-1. Smoke detector and carbon monoxide alarm compliance in buildings with one or two dwelling units only – Fees for inspections.

The fee for performing an initial inspection for smoke alarms and carbon monoxide alarms in buildings containing one or two dwelling units, only as required by the state law known as the “Uniform Fire Safety Act” (N.J.S.A. 52:27D-192 et seq.), including any subsequent reinspection to ascertain compliance, shall be fifty dollars for each building. When compliance has been established, a certificate evidencing such compliance shall be issued by the fire department. (G.O. No. 1561, § I; G.O. No. 1584, § I; G.O. No. 1787, § I; G.O. No. 1820, § II; G.O. No. 1895, § II.)

Sec. 11-45.2. Penalties for failure to obtain the required inspection and certificate for smoke alarms as required by N.J.S.A. 52:27D-192 et seq.

Failure to obtain the inspection, install the required smoke alarms or obtain the required certificate evidencing compliance by the owner prior to a change of occupancy occasioned by a lease or sale or otherwise or by the owner, including a new owner following a lease or sale which results in a change in occupancy shall be a violation of these sections 11-45.1 and 11-45.2. Violation of these sections 11-45.1 and 11-45.2 shall be punishable by a fine, which shall not exceed two hundred dollars after conviction in municipal court. (G.O. No. 1584, § II; G.O. No. 1787, § I.)

Sec. 11.45.3. Compliance with Exterior Property Maintenance Code.

The official of the Town of Westfield responsible for issuing the certificate evidencing compliance with the requirements of the Union Fire Safety Act (N.J.S.A. 52:27D-192 et seq.) shall note on such certificate when issued any violations of the Exterior Property Maintenance Code for which a notice of violation has been issued and

has not been finally resolved as provided in that Code. (G.O. No. 1695, § I; G.O. No. 1787, § I.)

Sec. 11-46. Testing of underground tanks.

(a) The owner or occupant of any land within the Town of Westfield upon which any underground tank or tanks used for the storage of any liquid with a flash point of one hundred degrees Fahrenheit or less are located shall cause the said tank or tanks and connective piping to be tested for leakage at least once in every five years.

(b) A permit shall be obtained from the fire official prior to any test being conducted. The application for a permit shall be on a form provided by the fire official.

(c) Each such test shall be performed by a gas station pump and tank installer approved as to qualifications for this purpose by the fire official and the standard to be used as a guide for the testing of underground leakage of flammable and combustible liquids shall be the National Fire Protection Association standards designated as NFPA No. 329.

(d) A written report of the results of each such test, certified to be correct by the person present at and in charge of the actual performance of each such test, shall be submitted to the fire official, or his authorized representative, to be filed by him with the enforcing agency within twenty-four hours of the completion of the test.

(e) If the results of any such test shall indicate any leakage or seepage of flammable liquids, the owner or occupant of the lands upon which the defective tank or tanks are located shall cause the same to be repaired within seventy-two hours of the completion of the test, or within such further extension of time as may be granted by the fire official and shall promptly thereafter submit proof to the fire official, satisfactory to him, that the condition of leakage or seepage has been corrected.

(f) After the effective date of this code all such tanks existing at the effective date of this code shall be inspected within a two-year period. Thereafter such inspection shall be done every five years on each tank.

(g) The permit fee for testing of underground tanks pursuant to section 11-46, shall be thirty-five dollars per test. (G.O. No. 1405, § IX; G.O. No. 1787, § I.)

Sec. 11-47. Permits.

The fees for permits established by the Uniform Fire Code shall be as follows:

Type 1 permit:	\$ 35.00
Type 2 permit:	\$138.00
Type 3 permit:	\$276.00
Type 4 permit:	\$414.00
Type 5 permit:	Reserved

(a) Permits shall be required and obtained from the local enforcing agency for the activities specified in this section, except where they are an integral part of a process or activity by reason of which a use is required to be registered and regulated as a life hazard use. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the fire official.

- (1) Type 1 permit:
 - a. Bonfires – this fee may be waived by the town council upon application therefore by a bona fide nonprofit organization;
 - b. The use of a torch or flame-producing device to remove paint from, or seal membrane roofs on, any building or structure;
 - c. Tents and temporary tensioned membrane structures without appurtenances, such as platforms and special electrical equipment, which exceed nine hundred square feet or thirty feet in any dimension (excluding canopies) whether single or made up of multiple smaller units when used for purposes which would constitute a life hazard use if found in a building;
 - d. Individual portable kiosks or displays when erected in a covered mall for a period of less than ninety days, and when not covered by a Type 2 permit;
 - e. The use of any open flame or flame-producing device, in connection with any public gathering, for purposes of entertainment, amusements, or recreation;
 - f. Welding or cutting operations except where the welding or cutting is performed in areas approved for welding by the fire official and registered as a type B life hazard use;
 - g. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;
 - h. The use of any open flame or flame-producing device in connection with training of non-fire service personnel in fire suppression or extinguishment procedures;
 - i. The occasional use in any building of a multipurpose room, with a maximum permitted occupancy of one hundred or more for amusement, entertainment or mercantile type purposes;
 - j. The storage or handling of class I flammable liquids in closed containers of aggregate amounts of more than ten gallons, but not more than six hundred sixty gallons inside a building, or more than sixty gallons, but not more than six hundred sixty gallons outside a building;
 - k. The storage or handling of class II or IIIA combustible liquids in closed containers of aggregate amounts of more than twenty-five gallons, but not more than six hundred sixty gallons inside a building, or more than sixty gallons, but not more than six hundred sixty gallons outside a building;
 - l. Any permanent cooking operation that requires a suppression system in accordance with N.J.A.C. 5:70-4.7(g) and is not defined as a life hazard use in accordance with N.J.A.C. 5:70-2.4.
 - m. The use as a place of public assembly, for a total of not more than fifteen days in a calendar year, of a building classified as a commercial farm building under the Uniform Construction Code.
- (2) Type 2 permit:
 - a. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials;
 - b. Fumigation or thermal insecticide fogging;
 - c. Carnivals and circuses employing mobile enclosed structures used for human occupancy;
 - e. The use of a covered mall in any of the following manners:

1. Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than twenty-five percent of the common area of the mall;

2. Temporarily using the mall as a place of assembly;

3. Using open flame or flame devices;

4. Displaying liquid or gas fuel powered equipment;

5. Using liquefied petroleum gas, liquefied natural gas or compressed flammable gas in containers exceeding five pounds capacity.

(3) Type 3 permit:

a. Industrial processing ovens or furnaces operating at approximately atmospheric pressures and temperatures not exceeding one thousand four hundred degrees Fahrenheit which are heated with oil or gas fuel or which contain flammable vapors from the product being processed;

b. Wrecking yards, junk yards, outdoor used tire storage, waste material handling plants, and outside storage of forest products not otherwise classified; or

c. The storage or discharging of fireworks.

(4) Type 4 permit:

a. Storage or use of normal temperature and pressure of more than two thousand cubic feet of flammable compressed gas or six thousand cubic feet of nonflammable compressed gas;

b. The production or sale of cryogenic liquids; the storage or use of more than ten gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than five hundred gallons of nonflammable, nontoxic cryogenic liquids;

c. The storage, handling, and processing of flammable, combustible, and unstable liquids in closed containers and portable tanks in aggregate amounts of more than six hundred sixty gallons;

d. To store or handle (except medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices):

1. More than fifty-five gallons of corrosive liquids;

2. More than five hundred pounds of oxidizing materials;

3. More than ten pounds of organic peroxides;

4. More than five hundred pounds of nitro methane;

5. More than one thousand pounds of ammonium nitrate;

6. More than one micro curie of radium not contained in a sealed source;

7. More than one mill curie of radium or other radiation material in a sealed source or sources;

8. Any amount of radioactive material for which a specified license from the Nuclear Regulatory Commission is required; or

9. More than ten pounds of flammable solids.

e. The melting, casting, heat treating, machining or grinding of more than ten pounds of magnesium per working day.

(5) Type 5 permit:

a. Reserved.

b. Application for a permit required by this article or the Uniform Fire Safety Act of the State of New Jersey (P.L. 1983, c383), shall be made to the Fire Official in such form and detail as the fire official shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the fire official for evaluation of the application.

c. Before a permit is issued, the fire official or the fire official's designated representative shall make or cause to be made such inspections or tests as necessary to assure that the use and activity for which application is made complies with the provisions of this article and the Uniform Fire Safety Act of the State of New Jersey.

d. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which product conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with this ordinance and the Uniform Fire Safety Act of the State of New Jersey.

e. Plans approved by the fire official are approved with the intent they comply in all respects to this article and the Uniform Fire Safety Act of the State of New Jersey. Any omission or error on the plans does not relieve the applicant of complying with all applicable requirements of this article or the Uniform Fire Safety Act of the State of New Jersey.

f. The fire official may revoke a permit or approval issued under the provisions of this article or the Uniform fire Safety Act, if upon inspection any violation of the article or Fire Safety Act exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application data or plans on which the permit or approval was based.

g. A permit shall remain in effect until revoked, or for one year unless a shorter period of time is otherwise specified. Permits shall not be transferable and any change in use, operation or tenancy shall require a new permit.

h. Any permit issued shall become valid if the authorized work or activity is not commenced within six months after issuance of the permit, or if the authorized work or activity is suspended or abandoned for a period of six months after the time of commencement.

i. A permit shall not be issued until the designated fees have been paid.
(G.O. No. 1405, § XI; G.O. No. 1787, § I.)

Sec. 11-48. Technical amendments.

The BOCA Basic/National Fire Prevention Code, 1984 edition adopted as the State of New Jersey Fire Prevention Code by P.L. 1983 c.383, is hereby amended to add the following new section:

Section F-308.2.2 'Space Heaters': Every space heater except as provided herein shall be properly vented to a chimney or duct leading outdoors and be permanently attached to the building or structure in which it is located. Such ducts and chimneys shall be constructed in accordance with the Building Code. The use of unvented portable space heaters burning kerosene fuel is permitted in detached single family residential dwellings outside the business zones and prohibited in all other premises provided such heaters meet at least the following requirements as a minimum:

- (1) The entire unit is approved by Underwriters Laboratories or equipment approved testing laboratory;
- (2) Fuel is unpressurized and unit is wick fed, not gravity fed;
- (3) Unit has an automatic shut off device, which stops the flow of fuel and extinguishes the flame if unit is tipped or struck;
- (4) Unit has push button start with electrical or flint ignition;
- (5) Radiant units have double wall construction;
- (6) Unit has a metal base and drip plate;
- (7) All joints or fittings in contact with fuel have oil resistant seals to prevent leaks in case of a tip over.

Detached single-family dwellings for purposes of this section do not include condominium units or attached single-family homes where more than one unit is attached to another or located in a larger structure.

The use of such unvented portable kerosene space heaters is prohibited in all structures including detached single family dwellings in the B-I and B-2 business zones as set forth on the zone map of the Town of Westfield, except that stores selling such equipment are permitted to store units on the premises and demonstrate their operation to potential customers.

The use of all other unvented portable space heaters having solids, liquid or gaseous fuel is prohibited in all zones.

The use of electrical portable space heaters approved by Underwriters Laboratories, or an equivalent approved testing laboratory is permitted in all zones.

(G.O. No. 1405, § XI; G.O. No. 1787, § I.)

Sec. 11-49. Identifying emblems for structures with truss construction.

(a) Identifying emblems for structures with truss construction shall be permanently affixed to the front of structures with truss construction.

(1) The emblem shall be made of a white reflective background material with one-fourth inch red border. The shape of the emblem shall be an isosceles triangle and the size shall be twelve inches horizontally by six inches vertically. The following letter designations shall have red letters at least two and one-half inches high and a minimum width of one-half inch for each stroke, which shall be printed on the emblem.

- a. "F" to signify a floor with truss construction;
- b. "R" to signify a roof with truss construction;
- c. "F/R" to signify both floor and roof with truss construction.

(2) The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground or in an otherwise approved location, and shall be installed and maintained by the owner of the building.

(b) Detached one and two family residential structures with truss construction that are not part of a planned real estate development shall be exempt from the requirements of (a) above, unless otherwise provided by municipal ordinance.

(c) Individual structures and dwelling units with truss construction that are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entrance to the development.

(d) It shall be unlawful to obstruct, damage, deface, or reduce the visibility of an approved sign. Signs shall be maintained in legible condition at all times.
(G.O. No. 1603, § I; G.O. No. 1787, § I.)

Article IV. Fire Zones.

Sec. 11-50. Establishment.

The Fire Department of the Town of Westfield may establish fire zones or fire lanes upon such property within the Town of Westfield as it shall deem appropriate for fire safety purposes with the approval of the mayor and town council by resolution. The number, location, width, length and markings of such fire zones or fire lanes shall be determined by the fire department with the approval of the mayor and town council.
(G.O. No. 1801.)

Sec. 11-51. Purpose.

The fire zones or fire lanes shall be established to insure fire equipment and other emergency vehicles unobstructed means of ingress and egress in case of fire or other emergency to such properties and the buildings, persons, vehicles, fire hydrants, fire department connections and standpipes thereon in case of fire or other emergency.
(G.O. No. 1801.)

Sec. 11-52. Designation.

A description identifying each fire zone and fire lane shall be filed by the chief of the fire department or his designee, with the police department and town clerk, and is hereby incorporated into this article. The fire department shall cause each designated fire zone or fire lane to be clearly outlined and marked on the pavement and/or on the adjoining building wall area as a fire zone or fire lane. Appropriate signs stating, "No Parking, Fire Zone" or "No Parking, Fire Lane" shall be installed as directed by the fire department.
(G.O. No. 1801.)

Sec. 11-53. Parking or standing.

It shall be a violation of this article for anyone to park or stand a vehicle in or cause an obstruction to a fire zone or fire lane. Any person who violates the provisions of this section shall be issued a summons, and shall, upon conviction in municipal court, be punished by a fine of not more than one hundred dollars, or imprisonment for a term not exceeding fifteen days, or both. (G.O. No. 1801.)

Sec. 11-54. Failure to implement; nonapproved zone.

(a) Any individual, firm, corporation or other entity that fails to comply with the implementation or maintenance of a fire zone or fire lane as directed by the fire department shall be issued a summons and shall, upon conviction in municipal court, be

punished by a fine not to exceed two hundred fifty dollars, or imprisonment not to exceed fifteen days, or both.

(b) Any individual, firm, corporation or other entity that establishes a fire zone or fire lane which has not been approved by the mayor and town council by resolution shall be issued a summons, and shall, upon conviction in municipal court, be subject to the penalties set forth in paragraph (a) of this section. (G.O. No. 1801.)

Sec. 11-55. Definitions.

(a) *Parking.* Standing or waiting of a vehicle not actually engaged in receiving or discharging passengers or merchandise unless in obedience of traffic regulations or traffic signs or signals.

(b) *Standing.* Any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, or traffic sign or signal.
(G.O. No. 1801.)

Sec. 11-56. Enforcement.

The police department shall have concurrent jurisdiction with the fire department to enforce the provisions of this article. (G.O. No. 1801.)

Sec. 11-57. Ratification.

Except as expressly modified herein, all other provisions and terms of the Code of the Town of Westfield shall remain in full force and effect. (G.O. No. 1801.)

Sec. 11-58. Severability.

In case any section, subsection, paragraph, subdivision, or provision of this article shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not effect or invalidate the remainder of any section, paragraph, subdivision, clause or provision of this article, and to this end, the provisions of each section, paragraph, subdivision, clause or provision of this article is hereby declared to be severable.
(G.O. No. 1801.)

Sec. 11-59. Repeal.

Any ordinance or portion of any ordinance, which is inconsistent with the provisions of this ordinance, is repealed to the extent of its inconsistency. (G.O. No. 1801.)

Sec. 11-60. Effective date.

This article shall take effect immediately upon passage and publication according to law. (G.O. No. 1801.)

Article V. Rapid Access Key Boxes and Security Caps.

Sec. 11-61. Rapid Access key boxes and fire department connection security caps.

(a) *Mandatory rapid access key boxes for automatic fire alarm systems.* When a building within the Town of Westfield is protected by an automatic fire alarm system and access to or within any area of such building is unduly difficult because of secured openings, and where immediate access is necessary for lifesaving or firefighting purposes, the fire chief may require a rapid access key box to be installed at the building at such location as set forth in Section 11-61(c) hereof, or as shall be directed by the fire chief. The key box shall be a high security, heavy duty box of a UL type and be of such size as is approved by the fire chief.

(b) *Mandatory rapid access key boxes for fire suppression systems and standpipe systems.* When a building within the Town of Westfield is protected by an automatic fire suppression system or standpipe system, it shall be equipped with a rapid access key box. The key box shall be installed at the building at such a location as set forth in Section 11-61(c) hereof, or as shall be directed by the fire chief. The key box shall be a high security, heavy duty box of a UL type and be of such size as is approved by the fire chief.

(c) *Rapid access key box location.* The rapid access key box shall be located:

(1) At or near the recognized public entrance, adjacent to the fire annunciator panel, on the exterior of the building, or above the fire department connection (“FDC”). When a building contains a fire sprinkler system and has inner control valves and a wall mounted FDC, the key box location shall be determined as directed by the fire chief.

(2) The key box shall be located at a height of not less than four feet and not more than six feet above grade.

(d) *Rapid access key box tamper switch.* The fire chief may, to provide security for a key box, require that a rapid access key box tamper switch be connected to a building’s automatic fire alarm system if the building is so equipped. The key box tamper switch shall be of a UL type and be of such size as is approved by the fire chief.

(e) *Security padlocks.* When a building is protected by a locked fence or gate and where immediate access to the building is necessary for lifesaving or firefighting purposes, the fire chief may require a security padlock to be installed at a location approved by the fire chief. The padlock shall be of a UL type and of such size as is approved by the fire chief.

(f) *Security caps.* When a building is protected by a fire suppression system, or standpipe system and the fire department connection is exposed to potential vandalism, tampering or mischief due to its location, the fire chief may require that a fire department connection security cap(s) be installed. The fire department connection security cap(s) shall be of a UL type and of such size as is approved by the fire chief. (G.O. No. 1804.)

Sec. 11-62. Nonapplicability to certain dwellings.

The term “building” as used herein means any building or structure located within the Town of Westfield, whether privately or publicly owned, including, without limitation, any building owned by the Town of Westfield, the Westfield Board of Education, the Westfield Housing Authority or any other public, quasi-public, or private entity or

person, provided however that this article shall not apply to owner-occupied one and two family dwellings. (G.O. No. 1804.)

Sec. 11-63. Rapid access key box contents.

The rapid access key boxes shall contain the following:

- (a) Keys to locked points of ingress and egress, whether interior or exterior of such buildings;
- (b) Keys to locked mechanical rooms, if applicable;
- (c) Keys to locked elevator rooms, if applicable;
- (d) Keys to elevator controls, if applicable;
- (e) Keys to any fence or secured areas, if applicable;
- (f) Keys to any other areas that may be required by the fire subcode, or fire official (defined by N.J.A.C. 5:70-1.5 or as subsequently amended);
- (g) A card containing the emergency contact people and phone numbers for such building;
- (h) Floor plans of the rooms within such buildings as may be required at the direction of the fire chief. (G.O. No. 1804.)

Sec. 11-64. Master key security.

As used herein, “master key” shall mean the instrument used to gain access to the rapid access key boxes to be utilized as a result of the provisions of this chapter. The fire department shall establish a system of procedures designed to limit access to any master key(s) to authorized fire department personnel in times of emergency. The fire department shall, to the extent feasible and practical, use the latest technological advances to preserve and enhance the security of the master key(s). (G.O. No. 1804.)

Sec. 11-65. Administration; recordkeeping; notification; registration.

(a) *Recordkeeping.* The fire official shall record all pertinent data regarding each building protected by a rapid access key box to the extent it is deemed necessary to implement the provisions. It shall be the responsibility of the fire official to maintain such records for the fire department and to maintain the confidentiality of said information.

(b) *Registration fee.* There shall be a twenty-five dollar registration fee when a rapid access key box is initially installed.

(c) The fire department shall be in exclusive control of the rapid access key box system authorization and operation.

(d) Each rapid access key box system shall utilize approved signature(s) from the fire department for the release of all keys for the boxes and lock products from the manufacturer.

(e) *Notification.* If a lock is changed at any building with a rapid access key box system, the fire chief shall be notified immediately.

(f) *Enforceability.* The fire department shall enforce the provisions of this article. (G.O. No. 1804.)

Sec. 11-66. Time for compliance.

All existing buildings shall comply with this article within six months from its effective date. All newly constructed buildings not yet occupied or currently under construction, and all buildings for which an application for a certificate of occupancy is being made, shall comply immediately. (G.O. No. 1804.)

Sec. 11-67. Penalties.

Any individual, firm, corporation or other building owner entity that fails to comply with any provision in this article shall be issued a summons and shall, upon conviction in municipal court, be punished by a fine not to exceed five hundred dollars. (G.O. No. 1804.)

Sec. 11-68. Effective date.

This article shall take effect upon final adoption and publication according to law. (G.O. No. 1804.)