

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 4-2004

**AN ORDINANCE AMENDING CHAPTER 79 OF THE CODE OF THE
CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED
“FIRE PREVENTION AND PROTECTION”**

BE IT ORDAINED by the Township Council, of the Township of Moorestown, in the County of Burlington, State of New Jersey that:

Section 1. The following paragraphs of Chapter 79 are amended to read as follows:

79-2. Agency designated.

- B. Fire District No. 2. The Local Enforcing Agency shall be the ~~Division~~ Bureau of Fire Prevention of District No. 2 of the Township of Moorestown within the limits established by the present boundaries.

79-3. Duties.

Each local enforcing agency 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 Fire District No. 1 and Fire District No. 2 of the Township of Moorestown other than single-family dwellings and owner-occupied two-family dwellings, except as provided for in Section 5:70-2.1 of the New Jersey Uniform Fire Safety Code and in the technical amendments to this code, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

79-5. Organization of and operation funds for enforcing agency.

Each local enforcing agency established by 79-2 of this chapter shall be a part of its Fire District, and said part shall be known in Fire District No. 1 as the “Division of Fire Prevention” and in Fire District No. 2 as the “Bureau of Fire Prevention” within each District and shall be under the direct supervision and control of the Fire Officials, who shall report to the Board of Fire Commissioners of their respective districts.

79-7. 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 the ~~Township of Moorestown~~ County of Burlington.

Section 2. The following paragraph is amended to read as follows:

79-8.I.(2). Fire Safety Use Group R-1 structures. ~~Reserved~~

Life Hazard Uses reserved to the State. This use group shall include all hotels, motels, boarding houses and similar buildings arranged for shelter and sleeping accommodations and in which the occupants are primarily transient in nature, occupying the facilities for a period of less than 30 days.

Section 3. The following paragraphs are added to section 79-8.I.

(7) Use Group R-3 Structures. This use group shall include all buildings arranged for occupancy as one or two family dwelling units, including not more than five lodgers or boarders per family and multiple single family dwellings where each unit has an independent means of egress and is separated by a 2 hour fire separation assembly.

(8) Use Group R-4 structures. This use group shall include all detached one or two family dwellings not more than three stories in height, and the accessory structures as indicated in the CABO One and Two Family Dwelling Code. All structures shall be designed in accordance with the CABO One and Two Family Dwelling Code or in accordance with the requirements of the BOCA National Building Code applicable to Use Group R-3.

Section 4. Section 79-8.1.B is amended to read as follows:

Where a fire safety use is operated on a seasonal basis or is in operation for only a portion of the year, an inspection for compliance with the requirements of the Uniform Fire Code of New Jersey shall be conducted immediately prior to opening and once during operation of the use. A Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance (CSDCMAC) or Certificate of Smoke Detector Alarm Compliance (CSDAC) may be issued by the Fire Official of the Fire District where the property is located for a seasonal rental unit for a period of up to 12 months regardless of the number or frequency of changes in tenancy.

Section 5. The following paragraphs shall be added to Section 79-8,

79-8.1 D. Use Group R-3 and R-4 Inspections. Use group R-3 and R-4 structures shall be inspected as per the requirements of N.J.A.C 5:70-4.19(d) and in compliance with any and all technical amendments to this code.

79-8.3 D. The fee for issuance of a fire investigation report shall be \$25.00
E. The fee for issuance of fire investigation photos shall be \$3.00 per photo.

F. The duplication fee for public records shall be in accordance with the New Jersey “Open Public Records Act” (OPRA), N.J.S.A 47:1A-1 et. seq. as follows:

<u>Pages 1 through 10</u>	<u>\$.75/page</u>
<u>Pages 11 through 20</u>	<u>\$.50/page</u>
<u>All pages after 20</u>	<u>\$.25/page</u>

Section 6. The following paragraphs in section 79-11.1 are amended to read:

- 79.11.1 Certificate of smoke detector and carbon monoxide detector compliance or certificate of smoke detector alarm compliance fee.
- 79-11.1.A 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 or for a certificate of smoke detector alarm compliance (CSDAC) as required by N.J.A.C 5:70-4.19 shall be \$25.00
- 79-11.1.B The fee for a second or further succeeding re-inspection pursuant to the inspection for ~~smoke detector compliance~~ CSDCMAC or CSDAC shall be \$10.00.
- 79-11-1.C The fee for a certificate of ~~smoke detector compliance~~ CSDCMAC or CSDAC, when application is made less than five days prior to the scheduled date of inspection, shall be \$35.00

Section 7. The following paragraphs are deleted from and added to Section 79-12 Technical Amendments:

~~L4318.1 Training for places of assembly or education and designated life hazard uses.~~

L4401 Open Burning. These rules shall apply to all use groups including R-3 and R-4.

L4401.1 Portable Outdoor Fire Pits. An outdoor fire pit that permits the products of combustion to be emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber is prohibited. A chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

L4401.2 Portable Outdoor Fireplaces. An outdoor fireplace shall be permitted provided the appliance is designed to allow the products of combustion to be emitted directly into the ambient air by passing through a stack or chimney from

an enclosed chamber. A chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. Portable outdoor fireplaces shall not be used:

1. within any building or dwelling unit;
2. on any combustible porch, balcony or any other combustible portion of a building;
3. within 10 feet of any combustible exterior wall;
4. within 10 feet, vertically or horizontally, of an opening in any wall;
5. under any building overhang;
6. within 10 feet of any combustible landscaping or ground covering.

L4401.3 No other open burning shall be permitted except; (1) in accordance with a permit issued under the provision of N.J.A.C 7:27-2, administered by the State Forest Fire Service in the New Jersey Department of Environmental Protection (2) With the approval of the Fire Official pursuant to the regulations published in section F-403.0 et. seq. of the New Jersey Uniform Fire Code.

L4401.4 Enforcement.

L4401.4A The uniformed Fire Officials, uniformed Fire Inspectors and uniformed Fire Chiefs of the designated, respective Fire District of the Township of Moorestown are empowered to issue summonses to any offending party.

L4401.4B Upon the first finding of violation of technical amendment, a written warning will be issued by the uniformed Fire Officials, uniformed Fire Inspectors and uniformed Fire Chiefs of the designated, respective Fire Districts, providing notification to the person(s) in violation of the requirements stating the requirements of this section and the penalties for subsequent violation. This notification, properly executed, shall be hand deliver with signature or sent via US Postal Service certified, return receipt.

L4401.4C Upon second finding of violation, a monetary penalty will be issued on a form cognizable before the Municipal Court of the Township of Moorestown. Any and all hearings to be held in connection with summonses issued hereunder shall be held before said Municipal Court pursuant to the Penalty Enforcement Law N.J.S.A 2A:58-10 et. seq.

LL4401.4D The penalty for violating section L4401 et. seq. this section of this code shall be a maximum of \$500.00, plus court costs payable to the Clerk of the Municipal Court. All penalties assessed as a result of summonses issued by the uniformed Fire Officials, uniformed Fire Inspectors and uniformed Fire Chiefs of the designated respective Fire Districts will be paid thereafter by the Court Clerk to the Treasurers of the respective Fire Districts.

- Section 8. In all other respects, Chapter 79 shall remain in full force and effect.
- Section 9. Repealer. Any and all other ordinances, inconsistent with any of the terms and provision of this ordinance, are hereby repealed to the extent of such inconsistencies.
- Section 10. Severability. In the event that any section, paragraph, clause, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction, to be invalid or unenforceable for any reason, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation, to the section, paragraph, clause, term, provision, or part thereof, directly involved in the controversy, in such judgment shall be rendered.
- Section 11. Effective Date. This ordinance shall take effect following final passage, adoption and publication on the earliest date allowed by law.
- Section 12. Short Title. This ordinance shall be know as Ordinance 4-2004

CERTIFICATION

I, Patricia L. Hunt, hereby certify that Ordinance No. 4-2004 was introduced and adopted on first reading by the Township Council at a meeting held on February 9, 2004. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on February 23, 2004.

Patricia L. Hunt, Township Clerk