

ORDINANCE NO. 3617-22

AN ORDINANCE TO AMEND AND REVISE CHAPTER 34A "FIRE SAFETY" OF THE BOROUGH CODE OF THE BOROUGH OF RUTHERFORD

WHEREAS the Governing Body of the Borough of Rutherford believes it is in the best interest of the Borough to amend and revise §34A entitled "FIRE SAFETY" of the Borough Code as set forth herein.

BE IT ORDAINED by the Mayor and Council of Rutherford, County of Bergen, State of New Jersey, as follows:

34A-10 Fees.

~~A permit fee shall be charged at the rate permitted by New Jersey Uniform Fire Code 5:70-2.9, as amended, as of the time the permit is issued by the Borough of Rutherford.~~

In addition to the inspections and fees required pursuant to the New Jersey Uniform Fire Safety Act, the New Jersey Uniform Fire Code and Borough Code Chapter 34A the following fees shall apply:

- A. The fee for Fire Safety Permits required by the New Jersey Uniform Fire Code shall be the fees established by NJAC 5:70-2.9(c).**
- B. The inspection fee for the inspection of a non-owner occupied one- or two-family dwelling shall be \$125.**
 - i. The inspection fee shall be paid within 30 days of the inspection of the non-owner one- or two-family dwelling.**

34A-12 Additional inspections.

In addition to the inspections and fees required pursuant to the New Jersey Uniform Fire Safety Act and the New Jersey Uniform Fire Code, the following additional local registrations shall be required:

- A. All building types or uses (except owner-occupied one- and two-family dwellings) that are not required to be registered as a life-hazard use in accordance with the New Jersey Uniform Fire Code shall be subject to an annual local registration and fee as follows:**

(1) Use Group R-2 (multiple dwellings) and mixed use with any residential use:

(a) One to three dwelling units: \$90110.

(b) Four dwelling units and up: \$90110 up to three dwelling units and \$1520 per each additional dwelling unit.

- (2) Use Groups A (Assembly), B (Business), E (Educational), F (Factory/Industrial), I (Institutional), M (Mercantile), and S (Storage/Warehouse), based on gross floor area of building or tenant space:
 - (a) Up to 3,000 square feet: ~~\$90~~**110**.
 - (b) Over 3,000 square feet: \$90 up to 3,000 square feet and ~~\$1925~~ for each additional 1,000 square feet or part thereof.
- (3) Use Group H (non-life-hazard use): ~~\$500~~**600**.
- (4) Use Group T (temporary structure): ~~\$150~~**175**.
- (5) Life-hazard use owner: ~~\$10~~**15**.
- (6) Owners of non-owner-occupied structures, including vacant structures, of all use groups excepting R-2 and owner-occupied one- and two-family dwellings, shall register with the Bureau of Fire Safety and pay an annual registration fee of ~~\$45~~**50**.

~~34A-14 Additional fees:~~

~~The following fees are hereby established for certain services extended and material distributed by the Bureau of Fire Safety:~~

~~A. Copies of all fire incident reports: \$5 each for the first five pages and \$0.50 for each page thereafter.~~

~~B. Copies of all photographs of a fire incident: \$1 each.~~

34A-14 Fire Watch Provisions.

A. A "Fire Watch" is defined as a temporary measure ordered by the Fire Marshal or their designated representative intended to ensure continuous and systematic surveillance of a building or portion thereof, by one or more qualified individuals, for the purpose of reporting fires, controlling fires, effecting occupant evacuation, coordinate fire department response and other functions deemed appropriate by the Fire Marshal or Fire Chief.

B. A fire watch may be ordered by the Fire Marshal or their designated representative under the following circumstances:

1. Required building fire protection systems are impaired or out of service;
2. An Imminent Hazard as defined by N.J.A.C. 5:70-2.16 exists.
3. Hot work or the use of an open flame during the performance of construction in an occupied building or the use of open flame or pyrotechnics before a live audience.
4. Any public or private event where more than 499 people are in attendance when required by the Fire Marshal or designated representative. This shall be determined in coordination with the Fire Chief of the Rutherford Fire Department.

5. A fire watch is requested by the building owner, tenant, or lessee; public and private events where 250 people or more are in attendance;
6. Any other condition or event that may pose unusual hazards or risk to the public or fire service when deemed necessary by the Fire Marshal or designated representative.

C. Fire watches shall be performed by any of the following:

1. A member of the Rutherford Fire Department.
2. Employees of the Borough of Rutherford, Bureau of Fire Safety.
3. Firefighters or Fire Inspectors from any Fire Department that has a mutual aid agreement with the Rutherford Fire Department.
4. In the event a required Fire watch cannot be fulfilled with any personnel as detailed above the Fire Marshal is permitted to fill the Fire Watch with other authorized personnel.
5. Fire Watchers for the purposes of a fire watch shall report directly to the Fire Marshal or their designed representative.
6. In the event of a fire incident the Fire watchers shall report to the Fire Chief or Fire Department Incident Commander.

D. The Fire Marshal or designated representative shall stipulate the terms and duration of the Fire Watch including but not limited to:

1. Staffing requirements.
2. Equipment needs.
3. Additional or secondary fire protection based the specific conditions requiring the Fire Watch.

E. Fire watch services authorized and or required by this ordinance and deemed necessary by the Fire Marshal or their designate representative shall be paid at the rate of \$45 per hour per person performing the fire watch. There shall be a minimum payment of two hours per person. An administrative fee of 10% shall be added to the total hourly compensation. In no case shall the administrative fee exceed \$175. Payments shall be made payable to the Borough of Rutherford.

SECTION 8. All other provisions of §34A of the Code of the Borough of Rutherford are not further amended and remain in full force and effect.

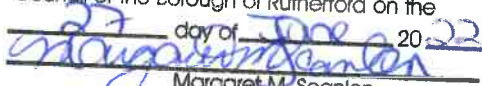
The ordinance shall take effect immediately upon final passage.

ATTEST:

BOROUGH OF RUTHERFORD


 Margaret M. Scanlon, Borough Clerk


 Frank Nunziato, Mayor

I hereby certify that this is a true and exact copy
 of an ordinance adopted by the Mayor and
 Council of the Borough of Rutherford on the
 _____ day of _____ 20__

 Margaret M. Scanlon
 Borough Clerk