

SOUTH ORANGE VILLAGE
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ORDINANCE #2024-03

Introduction: February 26, 2024

Adoption: March 25, 2024

AN ORDINANCE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE AMENDING AND RESTATING THE TOWNSHIP OF SOUTH ORANGE VILLAGE CODE CHAPTER 157 – FIRE PREVENTION IN ITS ENTIRETY AND AMENDING TOWNSHIP OF SOUTH ORANGE VILLAGE CODE CHAPTER 143 – FEES, SECTION 143-10 – FIRE PREVENTION

NOW BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

SECTION 1. Village Code Chapter 157 – Fire Prevention is hereby deleted in its entirety.

SECTION 2.

Village Code Chapter 157 – Fire Prevention is amended and restated in its entirety as follows:

Ch 157 Fire Prevention

157-1 Local Enforcement

157-2 Enforcing Agency

157-3 Function Of South Orange Fire Bureau

157-4 Inspections and Registration Fees

157-5 Appointment And Term Of Fire Official: Inspectors And Employees

157-6 Appeals

157-7 Technical Amendments

157-8 Enforcement

157-9 Response to Fire Alarms

157-10 False Alarms

157- 11 Interference with Fire Systems Prohibited; Fines

157-12 Smoke Detectors

157-13 Violations And Penalties

157-1 Local Enforcement

Pursuant to Section 11 of the Uniform Fire Safety Act (Public Laws of New Jersey for 1983, Chapter 383), the New Jersey Uniform Fire Code, hereinafter referred to as the "Uniform Fire Code," shall be locally enforced in the Township of South Orange Village.

157-2 Enforcing Agency

The local enforcing agency shall be the South Orange Fire Bureau.

157-3 Function Of South Orange Fire Bureau

The South Orange Fire Bureau 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 Township of South Orange Village, except for owner-occupied one- and two-family dwellings. The South Orange Fire Bureau shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

157-4 Inspections and Registration Fees

A. Life Hazard Uses Inspections and Registration - The South Orange Fire Bureau shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code. Inspections shall be performed on behalf of the Commissioner of Community Affairs. The life-hazard use registration fees shall be set forth in Chapter 143-10, Fees, Fire Prevention and shall be as established by the New Jersey Uniform Fire Code.

B. Non-Life Hazard Uses –

1. Inspections - In addition to the inspections required pursuant to the Uniform Fire Safety Act and the regulations adopted thereunder, all buildings, structures and uses within the Township of South Orange Village, except for owner-occupied one- and two-family dwelling units, shall be annually inspected by the South Orange Fire Bureau for compliance with the New Jersey Uniform Fire Code.

2. Annual Registration Fees

- a. Fees are as provided in Chapter 143-10, Fees, Fire Prevention.
- b. Assessed fees shall be satisfied by the 30th day after its issuance.
- c. Unpaid fees outstanding after the 30th day may result in a penalty equal to the amount of the unpaid fee. Ten additional days will be granted for payment of the fee plus penalty.
- d. Any person who fails to immediately pay a money judgment entered against him pursuant to this section is subject to the penalties in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.12.
- e. All moneys recovered in the form of penalties shall be paid into a dedicated trust account and shall be appropriated for the enforcement of the Act.
- f. If the fee and penalty remain unpaid after the thirty-day extension period, the enforcing agency may institute legal proceedings in Municipal Court pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-12 et seq.).

C. Other Building Inspections and Fees



1. Upon the request of any person, Village official or by Village Code, the Fire Official, or the inspector shall make an inspection to determine whether there are any violations of the Fire Prevention Code or requirements as may be provided in this Chapter.
2. Upon the request of any person, the Fire Official, or the inspector shall make an inspection to determine if a Certificate of Continued Occupancy shall issue. A Certificate of Continued Occupancy shall be issued by the inspecting official attesting that the residence, dwelling unit, room, suite or area meets or exceeds the requirements of N.J.A.C. 5:70-4.19. The cost for such inspection and the issuance of the Certificate of Continued Occupancy shall be as set forth in Chapter 143, Fees, Fire Prevention of this Code. Inspection of smoke detector installations prior to the conveyance of title or the leasing, as the case may be, shall be made by the Fire Official or inspector and, where appropriate, by the Electrical Subcode Official and shall be part of the inspection and issuance of a Certificate of Continued Occupancy.
3. An initial inspection required pursuant to this chapter resulting in failure and re-inspection shall require the payment of a re-inspection fee as set forth in Chapter 143, Fees, Fire Prevention of this Code for each dwelling unit requiring re-inspection.
4. Permit Fees for Type 1 – 4 permits are as provided in Chapter 143-10 – Fees, Fire Prevention.
5. In addition to the inspection and fees required pursuant to the Uniform Fire Safety Act and the regulations promulgated by the Department of Community Affairs entitled "New Jersey Regulation for Fire Code Enforcement," the additional inspection fees set forth in Chapter 143, Fees, Fire Prevention of this Code and which are also to be regarded as being set forth in the Fire Prevention Code of the Township of South Orange Village shall be required.

157-5 Appointment And Term Of Fire Official: Inspectors And Employees

- A. Appointment of Fire Official. The South Orange Fire Bureau shall be under the supervision of the Fire Official. Provided that the Fire Official shall have been certified in accordance with the regulations issued to implement the Uniform Fire Code.
- B. Term of office. The Fire Official shall not be removed from office during the term of his service except for good cause shown. Removal shall only occur after the Fire Official has been given the opportunity to have a hearing upon any charges made. The hearing shall be conducted before the Board of Trustees under the rules and regulations of the Department of Civil Service.
- C. Inspectors and employees. Such inspectors and other employees as may be needed to enable the South Orange Fire Bureau to carry out its function shall be recommended for appointment by the Fire Official, after consultation with the Health and Public Safety Committee of the Board of Trustees and with the advice and



consent of the Village Administrator.

- D. Removal from office. Inspectors and other employees of the South Orange Fire Bureau shall be subject to removal by the South Orange Fire Official for inefficiency or misconduct. Each inspector or employee, prior to being so removed, shall be afforded an opportunity to be heard by the appropriate authority. Should said appropriate authority be disqualified, then the hearing required shall be conducted before a hearing officer designated by the Health and Public Safety Committee of the Board of Trustees.

157-6 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 said order to the Construction Board of Appeals of Essex County.

157-7 Technical Amendments

The following technical amendments to the code are hereby established as being applicable within the Township of South Orange Village:

- A. Storage of flammable and combustible liquids. No more than five gallons of Class I, II or III combustible liquid shall be stored on any residential lot or in any residential structure. Storage of flammable or combustible liquids shall not occur in any room other than one which has been authorized for such storage by a special permit. Such storage shall not exceed a storage of five gallons in approved safety containers. A metal waste can with a self-closing cover shall be provided for all waste materials and rags, and the contents shall be removed daily. Smoking shall be prohibited at all times in any room where flammable liquids are stored.
- B. Dry cleaning. Dry cleaning and dry dying or any other process of cleaning clothes, fabrics and other articles by immersion in flammable liquids or by sponging with flammable liquids from open containers is hereby prohibited in any building or in any premises within the entire limits of the Village, provided that this shall not prevent tailors, pressers, milliners, hat renovators, dry-cleaning establishments and other similar establishments from using, in spotting or sponging processes, flammable liquids in one- quart safety cans approved by the Fire Official or inspector. All such premises shall have obtained a permit for such use prior to the use of such liquids.
- C. Explosives. No person shall manufacture, possess, store, sell, transport, use or dispose of explosives within the geographic limits of the Township of South Orange Village, except in compliance with Chapter 185, Land Development, of this Code, the provisions of the Explosives Act of New Jersey and the regulations adopted pursuant to said Act and the provisions of this chapter of the Code of the Township of South Orange Village pertaining to fireworks.



D. Blasting notices. Whenever any person is lawfully authorized to conduct any blasting operation within the limits of the Township of South Orange Village, such person or his employer or other person in charge of the operation shall notify the Fire Official at least 24 hours in advance of blasting, specifying location and intended time of such blasting. Such notice shall be in writing. If verbal notice is accepted by the Fire Official, such verbal notice shall be confirmed by written notice. In an emergency, the twenty-four- hour time limit may be waived by the Fire Official.

E. Fireworks.

1. As provided in Chapter 185, Land Development, of this Code, the manufacture of fireworks is prohibited within the limits of the Village. The sale or exposure for sale, use, distribution or possession of fireworks or pyrotechnics or devices in which explosives are used for fireworks or pyrotechnics is prohibited within the limits of the Village except as otherwise provided in this chapter. A permit shall be obtained for supervised public displays of fireworks as set forth within this chapter.
2. The Village Administrator, or their designee, may, upon application in writing and upon the posting of a suitable surety, issue a permit for the public display of fireworks by the Village, religious, fraternal or civic organizations or other organizations or group of individuals approved by said Board. Such permission shall be granted only when such display is to be handled by a competent operator who has been approved by the Fire Official and Chief of the South Orange Police Department. Such display shall be of such character and so located, discharged and fired so that it shall not, in the opinion of the Fire Official and/or inspector, who shall conduct proper inspection, be hazardous to property or endanger the safety of any person or persons. If such a permit shall be granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.
3. The application for a permit allowing a public display of fireworks shall be made at least 30 days in advance of the date of the public display. The application shall set forth the date, the hour, the place for making such display and the place for storing the fireworks prior to the display. It shall state the name or names of the person, persons, firm, partnership, corporation, association or group of individuals making the display and the name of the person or persons in charge of the igniting, firing, setting off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the Fire Official. All applications for permits shall be filed with the Village Clerk, who shall immediately distribute copies to the officials involved. Upon receipt of the reports from the several officials, the entire file shall be referred to the Board of Trustees, who shall determine whether the permit shall be granted.



4. As a prerequisite to the issuance of the permit set forth above, the permittee shall furnish surety in the amount and form deemed adequate and proper by the Village Administrator. The surety required may be in cash or government bonds or through the delivery of a surety bond of a corporate surety authorized to do business in New Jersey. Said bond shall be conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the display for which the permit was issued and arising from any acts of the permittee, his agents, employees or subcontractors. Such surety shall run to the Township of South Orange Village and shall be for the use or benefit of any person or persons or to the owner or owners of any property so damaged who is or are authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns.
5. In addition to the foregoing, the permittee shall also file with the Village appropriate certificates of insurance, indicating that the permittee does carry liability insurance in such amounts and with such companies as the Village Administrator shall deem appropriate and adequate.
6. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a safe way as is deemed adequate by the Fire Official for the particular type of fireworks remaining.

F. Handling of gasoline and oils.

1. The fuel tanks of motor vehicles shall be filled directly through hoses from fuel pumps attached to approved portable tanks or drawing from approved underground storage tanks. No transfer of gasoline in any garage shall be made in any open container.
2. Garage floors shall drain to oil separators or traps discharging to an approved sewer. Contents of oil separators or traps of floor drainage systems shall be collected at sufficiently frequent intervals and removed from the premises to prevent oil from being carried into the sewers. Self-closing metal cans shall be used for all oily waste or waste oils.

G. Pyrotechnic devices prohibited

1. It shall be unlawful for any person to ignite, display, possess or use in any manner whatsoever, within any commercial structure, any pyrotechnics, sparklers and smoke/fog machines.
2. Exempted from the provisions of this section is any testing or training exercises conducted by the Township Fire Bureau, Fire Department or other recognized fire brigade.



3. Any person violating this section shall be subject to a penalty of \$1,000 per occurrence, payable to the South Orange Fire Bureau Penalty Account.
- H. The whole of the code as promulgated by the New Jersey Department of Community Affairs and Appendix A thereof, including all subsequent revisions and amendments thereto, including the special amendments contained herein, is hereby adopted as the Fire Prevention Code for the Township of South Orange Village.

157-8 Enforcement

The Fire Prevention Code of the Township of South Orange Village shall be enforced by the Fire Official as set forth above in Article I, dealing with the enforcement within the Township of South Orange Village of the New Jersey Uniform Fire Code.

157-9 Response to Fire Alarms

- A. The response of South Orange Fire Bureau personnel to fire alarm conditions shall apply to all occupancies.
- B. Upon the occurrence of a fire alarm, during the normal business hours of the South Orange Fire Bureau, there may be a response from South Orange Fire Bureau personnel. The following constitute legitimate reasons for a response from the South Orange Fire Bureau.
 1. To enforce the Fire Code or Fire Ordinance and to issue documentation, violations and notification as may be required by the Township of South Orange Village.
 2. To assist the South Essex Fire Chief or his/her duly authorized representative. This may be done with any knowledge acquired during previous fire inspections performed by South Orange Fire Bureau personnel. This shall be of fire-staff-type assistance, not fire-command-type assistance.
- C. Response to all occupancies after normal business hours may occur by on-call South Orange Fire Bureau personnel or Fire Official or by request of the South Essex Fire Chief or South Orange Police Department, when made through the headquarters communications center.
- D. Response of the South Orange Fire Bureau to residential fire alarm conditions may be by request of the South Essex Fire Chief or South Orange Police Department. This chapter shall not interfere with the New Jersey Uniform Fire Code N.J.A.C. 5:71-3.3(a)25, on investigation contained in Subchapter 3, Organization, Administration and Enforcement.



157-10 False Alarms

- A. As used in this chapter, "false alarm" shall mean the transmission either directly or indirectly to the Police Department of the Township of South Orange Village of any automatic fire alarm, smoke alarm, fire sprinkler water flow alarm, or carbon monoxide alarm that was not caused by a fire, a smoke condition or such other condition that is beyond the control of the owner.
- B. The Police Department shall report all false alarms to the South Orange Fire Bureau which shall investigate and determine the cause of the false alarm. The South Orange Fire Bureau shall maintain a list of all false alarms. Said list shall identify the locations of the false alarms and the number of false alarms at the location during the calendar year.
- C. Penalties for false alarms transmitted from a multifamily residential complex, business, commercial, eleemosynary and/or industrial premises are hereby established and shall be as follows:

Number of Alarms Within a Calendar Year	Penalty
First 2	Warning only
3rd	\$200
4th	\$300
5th	\$500
6 or more	\$1,000

- D. Penalties for false alarms transmitted from single-family detached dwellings, individual townhouses and condominium unit dwellings are hereby established and shall be as follows:

Number of Alarms Within a Calendar Year	Penalty
First 2	Warning only
3rd	\$100
4th	\$200
5th	\$300



Number of Alarms Within a Calendar Year	Penalty
6 or more	\$500

- E. Any person, firm, company or corporation that causes to be transmitted a false alarm as the result of installing, repairing, testing, tampering with or performing any work to an automatic fire alarm, smoke alarm, fire sprinkler, water flow alarm, carbon monoxide alarm system, or as a result of structural alterations, renovations, remodeling or construction shall be subject to a penalty of not less than \$200 nor more than \$1,000 for each transmission of a false alarm.
- F. All penalties assessed for violation of this chapter shall be paid into the Uniform Fire Safety Act Penalty Account.

157- 11 Interference with Fire Systems Prohibited; Fines

Blocking access, interfering or tampering with or causing malicious damage to any fire alarm, suppression system, fire communications system, fire detection, first-aid, fire-fighting system, device, unit or part thereof shall result in a mandatory fine of \$500 per day per violation. During an actual alarm, the condition shall result in a mandatory fine of \$500 per day per violation. Fines shall remain in effect until conditions are deemed corrected by the South Orange Fire Bureau. Failure to comply shall result in issuance of a summons to appear in court. Fines assessed from this chapter shall go into the South Orange Fire Bureau penalty account

157-12 Smoke Detectors

- A. Every one-family residence in the Village shall have a minimum of one approved smoke detector on each story or level installed in a manner and location approved by the Fire Official or inspector of the Township of South Orange Village.
- B. Each dwelling unit in a two-family or multifamily residence, each guest room or suite in a hotel, motel, rooming house or boardinghouse and each suite or sleeping area in a dormitory shall be provided with a minimum of one approved smoke detector installed in a manner and location approved by the Fire Official or inspector of the Township of South Orange Village.
- C. No structure which in whole or in part is subject hereto shall be sold without first having met the requirements of this section. No dwelling unit, room, suite or area subject hereto shall be leased or rented without first having met these requirements.
- D. An approved smoke detector shall be a 10 year sealed battery device which detects smoke and gives alarm which has upon it a seal of approval of the UL or FM.
- E. The installation of smoke detectors, either battery-operated or hard-wire, shall be made in accordance with the regulations of the Fire Official or the inspector and the



requirements of the manufacturer. The decision of the officials enumerated shall control the number of detectors needed for the area to be protected and the method employed. All such equipment and installations shall comply with regulations established under NFPA Standard No. 74 and the New Jersey Uniform Construction Code.

- F. Upon the request of any person, an inspection of smoke detector installations alone, and not an inspection for a Certificate of Continued Occupancy, shall be made by the Fire Official or inspector and, where appropriate, by the Electrical Subcode Official. A Smoke Detector Compliance Certificate shall be issued by the inspecting official attesting that the residence, dwelling unit, room, suite or area meets or exceeds the requirements of N.J.A.C. 5:70-4.19. The cost for such inspection and the issuance of the Smoke Detector Compliance Certificate shall be as set forth in Chapter 143, Fees, Fire Prevention of this Code.
- G. It shall be the sole responsibility of the owner to maintain every smoke detector in working order after it has been inspected.

157-13 Violations And Penalties

Any person who violates any provision of this chapter shall be subject to punishment as set forth in this Chapter or, where no punishment is set forth in this Chapter, then as set forth in Chapter 1, Article II, of this Code.

SECTION 3.

Village Code Chapter 143 – Fees, Section 143-10 Fire Prevention is hereby amended and restated as follows:

143-10 Fire Prevention

Description	Code Section	Fee
Type 1 – 4 Life Hazard Use Fee	§ <u>157-4A</u>	Fee in accordance with N.J.A.C. 5:70-2.9(a)
Type 1 – 4 Uniform Fire Code Permit Application Fee	§ <u>157-4C</u>	Fee in accordance with N.J.A.C. 5:70-2.9(c)
Annual Registration Fees/ Non-Life Hazard Uses:		



Up to 999 square feet	§ <u>157-4B</u>	\$75.00
1,000 to 4,999 square feet	§ <u>157-4B</u>	\$150.00
5,000 to 9,999 square feet	§ <u>157-4B</u>	\$225.00
10,000 to 14,999 square feet	§ <u>157-4B</u>	\$300.00
15,000 to 19,999 square feet	§ <u>157-4B</u>	\$375.00
20,000 square feet and up	§ <u>157-4B</u>	\$450.00
<u>The following require additional inspection fee:</u>		
Eating establishments, 1 to 49 persons, seated or takeout only	§ <u>157-4C</u>	\$25.00
Dormitories, other than life-hazard uses		
Under 100 Occupants	§ <u>157-4C</u>	\$75.00
100 to 399 Occupants	§ <u>157-4C</u>	\$100.00
400 or more occupants	§ <u>157-4C</u>	\$150.00
Apartment dwellings which are not high-rise:		
4 to 8 units	§ <u>157-4C</u>	\$75.00
8 or more units	§ <u>157-4C</u>	\$150.00
Re-Inspection Fee:		
First Re-Inspection	§ <u>157-4C</u>	No Fee
Second Re-Inspection	§ <u>157-4C</u>	\$50.00



Third or more Re-Inspection	§ <u>157-4C</u>	\$75.00
Requested Inspection Fees for Certificate of Continued Occupancy:		
One-Family	§ <u>157-4C</u>	\$150.00
Two-Family	§ <u>157-4C</u>	\$200.00
Multifamily, per dwelling unit	§ <u>157-4C</u>	\$150 for 1st unit, \$125 for each additional unit.
First Re-Inspection	§ <u>157-4C</u>	\$50.00
Second Re-Inspection	§ <u>157-4C</u>	\$50.00
Third or more Re-Inspection	§ <u>157-4C</u>	\$75.00
Smoke Detector Compliance Certificate fee	§ <u>157-12F</u>	\$50.00
Fire Watch Services		\$75/hour with 4 hour minimum
Requested Inspection Fees for Certificate of Habitability		\$175.00

SECTION 4.

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5.

This ordinance shall take effect upon final passage and publication as required by law.

SECTION 6.

On passage this ordinance shall be codified.



Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg						X
Haskins			X			
Hartshorn Hilton		X	X			
Jones			X			
Lewis-Chang	X		X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their regular meeting held on February 26, 2024.

Ojetti E. Davis
Village Clerk

Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown	X		X			
Greenberg						X
Haskins			X			
Hartshorn Hilton			X			
Jones		X	X			
Lewis-Chang			X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on March 25, 2024.

Ojetti E. Davis
Village Clerk

Adopted:

Sheena C. Collum
Village President

Attest:

Ojetti E. Davis
Village Clerk