

AN ORDINANCE AMENDING THE TOWNSHIP OF PLAINSBORO CODE PROVISIONS CONCERNING THE DIVISION OF FIRE PREVENTION, MOVING SUCH CODE PROVISIONS FROM SECTION 14-18 TO CHAPTER 55A IN THE TOWNSHIP CODE, AND REMOVING OBSOLETE CODE PROVISIONS

WHEREAS, Article I, Chapter 14 of the Township Code of the Township of Plainsboro is entitled “Department of Public Safety”;

WHEREAS, current Code Section 14-18 of the Township Code of the Township of Plainsboro sets forth the provisions applicable to the Division of Fire Prevention in Plainsboro Township; and

WHEREAS, the Division of Fire Prevention is overseen by the Director of Code Enforcement, and, therefore, the Code provisions addressing the Division of Fire Prevention are better suited in Chapter 55A of the Township Code; and

WHEREAS, the Township Code provisions that address “Key Boxes,” currently Chapter 71A of the Township Code, are better suited in the chapter on the Division of Fire Prevention;

WHEREAS, certain amendments to the Code provisions on the Division of Fire Prevention are necessary to streamline processes and to better ensure building safety;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Plainsboro in the County of Middlesex and the State of New Jersey as follows:

Section 1. Chapter 55A of the Township Code shall be renamed “Division of Fire Prevention.”

Section 2. Current Section 55A-1 of the Township Code, entitled “Mechanical Code – Adoption of Standards” shall be eliminated in its entirety and shall be replaced with the content of current Section 14-18 (Division of Fire Prevention), as amended below.

Section 2. Section 14-18 of the Township Code shall be eliminated in its entirety.

Section 3. Section 14-19 of the Township Code, entitled “Office of Emergency Management,” shall be re-numbered as Section 14-18.

Section 4. Section 85-20.3, entitled “Fire Lanes,” of the Township Code shall be eliminated in its entirety.

Section 5. Chapter 71A of the Township Code, entitled “Key Boxes” shall be eliminated in its entirety.

Section 6. Section 55A of the Township Code shall be amended as follows. (Insertions are underlined and deletions are struck through. The revisions highlighted reflect the changes being made to former Section 14-18, which shall now appear in Section 55A-1.

A. Establishment. Pursuant to Section 11 of the Uniform Fire Safety Act (P.L.1983c.383), the New Jersey Uniform Fire code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Township of Plainsboro.

B. The local enforcing agency shall be the Township of Plainsboro Division of Fire Prevention within the Department of Code Enforcement. The Township of Plainsboro Division of Fire Prevention shall hereinafter be known as the local enforcing agency.

C. Control. The Fire Official/Fire Marshal shall be the executive head of the Division of Fire Prevention and is under the direct supervision of the Director of Code Enforcement.

D. Board of Appeals. Any person aggrieved by any action of the Township of Plainsboro Division of Fire Prevention shall have the right to appeal to the Middlesex County Construction Board of Appeals in accordance with the procedures set forth in the Uniform Fire Safety Act.

E. Fire Official.

(1) The Fire Official shall be appointed by the Township Administrator, and said individual is subject to all applicable personnel policies adopted by the Township of Plainsboro.

(2) The Fire Official shall be subject to removal from office by the Township Administrator for inefficiency or misconduct. He/ she shall be afforded an opportunity to a hearing by the Township Committee prior to final determination of termination.

(3) Each candidate considered for appointment to the position of Fire Official shall be required to submit to job-related written, oral and other examinations as may be prescribed by the Director of Code Enforcement in consultation with the Fire District Board of Fire Commissioners.

(4) The application and qualifications of each candidate shall be reviewed by the Township Administrator and the Director of Code Enforcement in consultation with the Fire District Board of Fire Commissioners.

(5) The responsibilities of the Fire Official, in addition to those described in the Uniform Fire Safety Act, shall be outlined in a job description developed by the Township Administrator.

F. Enforcement of the Uniform Fire Code.

(1) The Fire Official shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the Township of Plainsboro, not to include owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Safety Act and Uniform Fire Code.

(2) The Fire Official shall conduct the periodic inspections of life hazard uses as required by the Uniform Fire Code on behalf of the Commissioner of the Department of Community Affairs.

(3) The Fire Official shall also conduct annual inspections of all buildings and structures falling under the following International Building Code use groups which are not identified or classified as life hazard uses ~~required under the New Jersey Administrative Code, Title 5, Chapter 18 and Chapter 18b:~~

- (a) A, Assembly.
- (b) B, Business.
- (c) E, Educational.
- (d) F, Factory and Industrial.
- (e) H, High Hazard.
- (f) I, Institutional.
- (g) M, Mercantile.
- (h) R, R-1 and R-2 common areas.
- (i) S, Storage.
- (j) U, Utility

(4) The Fire Official shall meet, at a minimum, once a month with representatives of the Board of Fire Commissioners and the Director of Code Enforcement to review and discuss the status of all fire inspections.

G. Fees and Permits.

(1) An annual registration and registration ~~inspection~~ fee shall be required for each nonlife hazard occupancy as defined in § 14-18F(3) as follows:

Occupancy (sq.ft.)	Fee
Less than 500	\$75
500 to 1,000	\$100
1,001 to 3,000	\$150
3,001 to 5,000	\$200
5,001 to 10,000	\$250
10,001 to 20,000	\$300
20,001 to 50,000	\$500
50,001 to 100,000	\$750
Each additional 50,000	\$100

Non Residential Commercial Common Areas – \$125 per building per floor

Residential Common Areas 2 stories or less – \$100 per building

Residential Common Areas 3 or more stories but less than 7 stories – \$300 per building

(2) The application fee for a permit shall be in accordance with N.J.A.C. 5:70-2.9.

(3) Trade shows, craft shows, exhibits, expositions, auctions, art sales, concerts, wrestling matches, festivals, dinners, dances, balls and similar events

including non-school type uses in school buildings, cultural centers and convention centers and any other uses requiring inspection by the Fire Official or Fire Inspector shall be one hundred fifty (\$150.00) dollars per event.

(4) Asphalt (tar) kettles per job site shall be sixty (\$60.00) dollars.

H. Waivers.

(1) Any federal, state, county, municipal, school board or any agency or instrumentality thereof shall be exempt from the local permit and registration fees herein.

I. Special Events.

(1). When determined by the Fire Official to be necessary for the purpose of public safety to have a Fire Inspector present during special events, the owner, operator, organizer, sponsor, person, or organization responsible, for said event shall pay the cost of said inspector at the rate of one hundred (\$100.00) dollars per hour for the duration of the event.

J. Fire Watch.

(1). If the Fire Official, Fire Inspector, or member of Plainsboro Fire District #1 is required to inspect, monitor, or patrol a building to detect circumstances that might immediately result in a fire while a building's fire protection system is inoperative, the owner of said building shall reimburse the Township and, where applicable, the Plainsboro Fire District #1 for said fire watch services. The rate of such services are two hundred (\$200.00) dollars per hour. Additionally, where applicable, the Plainsboro Fire District #1 shall be reimbursed at the rates outlined in the current FEMA Schedule of Equipment Rates for equipment and apparatus and the current hourly pay rate for the cost of manpower. There shall be a minimum fee of two hundred (\$200.00) dollars for fire watch, provided that no fee shall be assessed if within thirty (30) minutes of being notified of the commencement of the fire watch services, the building owner or his or her representative arrives at the building and assumes control of the fire watch from the Fire Official, Fire Inspector or Plainsboro Fire District #1. The cost of providing fire watch services shall be certified by the Fire Official to the building owner within ten (10) days of their completion. The building owner shall reimburse the Township within thirty (30) days thereof.

K. Fire Alarms and Reporting.

(1). The Fire Official or his or her designee shall investigate, or cause to be investigated, the activation of any fire alarm, fire detector or fire protection system occurring within the Township. The Fire Official or his or designee shall determine the cause for such activation and determine whether the alarm, detector or protection system has been properly restored to full service.

(2). Failure to report: It shall be a violation of this section for any person or persons, having knowledge of same, to fail to immediately report to the Plainsboro Fire District #1: the activation of any fire protection system or device; the occurrence of any fire; any attempted arson; or the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material.

L. Key Boxes Requirements

(1). All buildings or structures protected by fire alarms shall be provided with a key box approved by the Fire Official. The key box shall contain keys to provide access to all areas of the building or structure and shall be installed in a location approved by the Fire Official; such key box shall only be utilized in response to a report of a fire or fire protection system activation or other emergency call.

(a). The key box shall be located in a lighted location not higher than five and a half (5-1/2') feet above grade.

(b). Key boxes shall be installed within ninety (90) days of receiving a notice from the Fire Official.

(c). Key box keys shall be issued to the Fire Official. Each individual receiving keys shall be responsible for the security of same at all times.

(d). Buildings or structures occupied twenty-four (24) hours a day, seven (7) days per week, by personnel processing keys to all areas shall be exempt from the requirements of this subsection provided, however, that residential complexes containing locked common areas and/or master key capabilities shall be provided with a key box.

M. Fire Apparatus Access Roads (Fire Lanes)

(1). Proposed apparatus access roads for new commercial and mixed-use developments shall be designed and constructed in accordance with the International Fire Code. New residential developments, and residential parts of developments that are discrete and separate from planned commercial parts of the same development shall comply with the rules of the Residential Site Improvement Standard. The Fire Official shall have the authority to require or permit modifications to the International Fire Code to meet the public safety objectives of the jurisdiction.

(2). Existing fire apparatus access roads shall be maintained as originally approved. Additional markings to better delineate existing fire apparatus access roads shall not conflict with prior approvals issued by the planning and/or zoning boards unless the administrative authority for the planning and/or zoning board grants approval.

N. Fire Hydrants

(1). New and existing private fire hydrants on public and/or private property shall be painted red with a yellow top/bonnet.

O. Penalties.

(1). Any person or persons who violates or fails to comply with any provision of the subsection is subject to municipal summons of not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars.

Section 6.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on April 14, 2021 and published on April 17, 2021. Adopted at a Meeting held on May 12, 2021 and published on May 15, 2021.