

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

**ORDINANCE 18-2538 – AN ORDINANCE AMENDING CHAPTER 157 OF THE
CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “FIRE
PREVENTION”**

was introduced at a Work Session meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, December 4, 2018, and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, December 18, 2018 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement is to amend Section 157-4B titled Mixed-Use Apartments, Section 157-5A to create the Fire Prevention Official UFD position, include Section 157-6A for the appointments and removal of the Fire Official, amend additional required registrations and fees to include mixed use, amend Section 157-10 titled Technical Amendments, and Article III Emergency Responder Radio Coverage in Existing Buildings as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones, RMC
Borough Clerk
December 7, 2018

BOROUGH OF BERGENFIELD
Ordinance No. 18-2538

**AN ORDINANCE AMENDING CHAPTER 157 OF THE CODE OF THE BOROUGH OF BERGENFIELD,
ENTITLED "FIRE PREVENTION"**

WHEREAS, Chapter 157 of the Code of the Borough of Bergenfield sets forth all regulations regarding Fire Prevention within the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Article 1: Enforcement of Uniform Fire Code

157-1 Local Enforcement.

Pursuant to section 11 of the Uniform Fire Safety Act (P.L 1983, c. 383, N.J.S.A. 52:27D-192 et seq.) the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Bergenfield.

157-2 Agency Designation.

The local enforcing agency shall be the Bureau of Fire Prevention which is hereby created in the Bergenfield Fire Department.

157-3 Duties.

The 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 Bergenfield, 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.

157-4A Life Hazard Uses.

The local enforcing agency established by 157-2 of this article shall carry out the periodic inspections of the life hazard uses required by Uniform Fire Code on behalf of the Commissioner of Community Affairs.

157-4B Mixed-Use Apartments.

A: Definition: Residential living units, other than one and two-family dwellings, not regulated by the New Jersey State Bureau of Housing Inspection.

B: The Fire Prevention Bureau shall be responsible for the mixed-use inspections.

C: All buildings and all parts thereof shall be maintained as required by the Regulations for Maintenance of Hotel Multiple Dwellings, N.J.A.C. 5:10 and the Uniform Fire Code, N.J.A.C. 5:70.

D: All buildings are to be inspected in accordance with the most recently promulgated regulations.

E: Inspections shall be performed annually. Certificate of Occupancy Inspections, if performed that year, shall satisfy the annual inspection requirement.

157-5A Fire Prevention Official UFD

A: Creation of position. There is hereby created in the Fire Department of the Borough of Bergenfield, the position of Fire Official, UFD (Formerly known as Fire Official).

B: Duties and Responsibilities. The Fire Official, UFD shall perform the duties and responsibilities as described by the New Jersey Civil Service Commission.

C: Qualifications. Positions in this class may be filled through promotion examination procedures only. Candidates must meet those requirements and qualifications for promotion specified in Civil Service Law, rules and regulations.

D: Compensation: The salary for the position shall be set forth in the contractual agreement between the Borough of Bergenfield and The Bergenfield Fireman's Association F.M.B.A. Local 65.

157-5B Control of Agency by the Fire Official

The local enforcing agency established by 157-2 of this article shall be part of the Bergenfield Fire Department and shall be under the direct supervision and control of the Fire Official, UFD.

157-6A Appointments and removal of the Fire Official.

A: Appointment of the Fire Official. The local enforcing agency shall be under the supervision of the Fire Official who shall be appointed by the governing body of the Borough of Bergenfield according to law and Civil Service regulations.

B: Term of office: The Fire Official shall serve with tenure as provided for under Civil Service Laws of the State of New Jersey and he/she shall be removed from office only for good cause shown and only after being granted a hearing upon charges before the appointing authority.

157-6B Appointments and removal of inspectors and employees.

A: Inspectors and employees. Such inspectors and other employees as the local enforcing agency may recommend as necessary to properly carry out its responsibilities may be appointed by the Borough of Bergenfield according to law.

B: Removal from office. Inspectors and other employees of the enforcing agency shall be subject to removal by the Borough of Bergenfield for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

157-7 Board of Appeals

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act (N.J.S.A. 52-27D-206 and 52:27D-208), any person aggrieved by an order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of the county of Bergen.

157-8 Additional required registrations and fees.

A: 1. In addition to the registration and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional yearly registration fees shall be required:

- (1) Class A (up to 2,000 square feet): \$65
- (2) Class B (2,001 to 5000 square feet): \$90
- (3) Class C (5,001 to 10,000 square feet): \$190
- (4) Class D (more than 10,000 square feet): \$225
- (5) Class E (multifamily units, including mixed use, unit connected to business, in addition to any Class A, B, C or D fees paid)
 - (a) Between one and three dwelling units: \$75
 - (b) More than three dwelling units: \$75 (plus \$10 per unit above three units).

2. All registration classes must also complete a Non-Life Hazard Use (NLHU) form at the time of registration. All Class E must complete an affidavit of multiple dwelling unit compliance with the New Jersey fire code form.

3. All forms will be sent via first class mail to the addressee on file. All owners/occupants shall be responsible to report any address changes or updates to the Fire Prevention Bureau.

B: Registration forms shall be completed and fees shall be paid on an annual basis within 30 days of notification. Any fee not paid within 30 days of notification shall incur a late penalty charge of 50% of the original fee, and an additional fee of 10% of the original fee will be charged for every additional 30 days that said fees are not paid from the original date of notification. Said late charges shall be due and payable without any further obligation from the Borough to notify.

C: Violations: Any persons, firm or corporation who shall violate any of the provisions of 157-8B above shall upon conviction by a court of competent jurisdiction be punished by a of not less than \$100 nor exceed \$500 or by imprisonment in the county jail for a period not to exceed 90 days, or by both fine and imprisonment any court fees and satisfy the requirements of 157-8.B above.

D: Any new business failing to register after notification, verbal or written by a member of the Fire Prevention Bureau within 15 days, shall require a court appearance punished by a fine of not less than \$100 nor exceed \$500 and any additional court costs.

157-9 Permit fees

The permit fees shall be those established by the current New Jersey Fire Prevention Code and those established by ordinance of the Borough of Bergenfield.

157-10 Technical amendments

A: The current New Jersey Fire Prevention Code, as amended and supplemented, is hereby adopted, subject to the following modifications and additions.

B: The following modifications to N.J.A.C. 5:70-3, 901.4.1 and N.J.A.C. 5:70-3, 901.8

F-504.1: It shall be the responsibility of any contractor, maintainer or other person to notify all tenants, occupants or building staff, police department and the Fire Prevention office, prior to performing any test, repairs or other work which might reasonably be expected to cause a fire alarm device or system to activate, or which will render any part of a fire protection system, exit, or other fire safety provision to be out of service.

F-504.2: Removal of or tampering with equipment: It shall be unlawful for any person to interfere with the effectiveness of, remove, tamper with or otherwise disturb any fire detection and alarm system, fire suppression system, fire hydrant or other fire appliance required by the code expect for the purpose of extinguishing fire, training purposes, recharging or making necessary repairs, or when approved by the Fire Official.

F-504.3: Jurisdiction: The Bureau of Fire Prevention of the Borough of Bergenfield shall have jurisdiction to enforce F-504.1 and F-504.2.

F504.4: Violations: Any persons, firm or corporation who shall violate any of the provisions of F-504.1 or F-504.2 above shall upon a plea of guilty or upon conviction by a court of competent jurisdiction be punished by a fine of \$500 for the first offence and up to \$1000 for additional offenses.

C: The following modifications and additions to N.J.A.C. 5:70-3, 503.

F-311.0: Fire Lanes, Fire Zones, Hydrant Access

F-311.1: Designation: The Fire Official may designate fire lanes, fire zones or fire hydrant access on private property or public property to which the public is invited or which is devoted to public use, if it is necessary to provide safety for the public or to provide proper access for fire department operations in the event of an emergency. Fire lanes shall not conflict with prior approvals issued by the panning and/or zoning board unless it would impede access to any fire department connection, means of egress or water supply.

F-311.2: Notification: Whenever a determination has been made for fire lanes, fire zone or fire hydrant access designation, pursuant to F-311.1 above, the Fire Official shall notify the owner of the property in writing by registered or certified mail, or by hand delivering such notice, specifically describing the area designated and the reason for making the designation.

F-311.3: Marking the fire lanes, fire zones or fire hydrant access: The marking of fire lanes shall be the responsibility of, and shall be done at the expense of, the property owner and shall be accomplished within 30 days of receipt of notification.

1. Designated fire lanes or fire zones shall be marked with a minimum three-inch yellow border line and permanently mounted sign(s).

2. Signs: Metal signs shall be a minimum of 18 inches by 12 inches in dimension with reflective red letters stating "NO PARKING FIRE ZONE" or "NO PARKING FIRE LANE" on a white background. The sign shall be posted a minimum of seven feet above grade level facing approaching traffic. A maximum twenty-foot spacing is permitted between signs, but no less than one sign at each end of the designated fire zone.

F-311.4: Maintenance: Marking of the fire lanes shall be maintained in a legible condition as determined by the Fire Official.

F-311.5: Obstructions: It shall be a violation of this code for any person to park a motor vehicle, trailer, dumpster or storage container in or otherwise obstruct a fire lane, fire zone or fire hydrant. Any obstruction or vehicle may be removed by the authority having jurisdiction with all expenses incurred being paid by the owner of said obstruction or vehicle. In the event the owner of the obstruction is not determinable the expense shall be borne by the owner of said property in which the obstruction lies.

F-311.6: Jurisdiction: The Bureau of Fire Prevention and the Police Department of the Borough of Bergenfield shall have concurrent jurisdiction to enforce F-311.5 above.

F-311.7 Violations: Any persons, firm or corporation who shall violate any of the provisions of F-311.5 above shall upon conviction by a court of competent jurisdiction be punished by a fine of not less than \$100 nor exceed \$500 or by imprisonment in the county jail for a period not to exceed 90 days, or by both fine and imprisonment and each violation of any of the provisions of F-311.5 above and each day the same is violated shall be deemed and taken to be as a separate offense.

F-311.8: If any provisions of the enforcement of F-311.3 are not completed within 30 calendar days, an additional penalty shall be issued by summons every 30 calendar days until the violation is abated.

F-312.1: Jurisdiction: The Bureau of Fire Prevention of the Borough of Bergenfield shall have jurisdiction to enforce F-312 as described in its entirety.

F-312.2: Violations: Any violations referenced will be from N.J.A.C. 5:70 subchapters 1, 2, 3, 4 or any Borough Ordinance related to the Fire Prevention Bureau.

F-312.3: Any violations referenced in F-312.2 above not abated in the allotted time given by Fire Prevention Bureau or any reoccurring violation shall be issued a summons.

F-312.4: Violations: Any persons, firm or corporation who shall violate any of the provisions of F-312.3 above shall upon conviction by a court of competent jurisdiction be punished by a fine of not less than \$50 nor exceed \$500 or by imprisonment in the county jail for a period not to exceed 90 days, or by both fine and imprisonment and each violation of any of the provisions of F-312.2 above, and each abatement period the violation has not been cleared shall be taken as a separate offense. This fine shall be in addition to any fines previously assessed.

F-312.5: If violations remain unabated after the time allotted in F-312.4 above an additional summons shall be issued doubling the original penalty. This shall continue until the violation is abated.

D: The following modifications and additions to N.J.A.C. 5:70-3:

F-501: The Fire Official or his designee may require that additional permanent durable signs be placed indicating the purpose and/or location of various fire safety equipment, utility controls or an aid to fire suppression or rescue.

F-502: Identification light: All new and existing Fire Department connections shall have a red light located at a minimum of seven feet above grade above the Fire Department connection visible from the street side of the building. The red light shall be a minimum of a fifteen-watt bulb and remain illuminated 24 hours a day.

Article II. to remain the same.

Article III. Emergency Responder Radio Coverage in Existing Buildings

157-18. Purpose; applicability

- A. Existing buildings that do not have approved radio coverage for emergency responders within the building, based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building, shall be equipped with such coverage according to one of the following:
 - 1. Where an existing wired communication system cannot be repaired or is being replaced, or where not approved by the Fire Official.
 - 2. Where minimum signal strength measurements in 95 percent of all areas on each floor of the building do meet the signal strength requirements in subsections i and ii below.
 - i. Minimum signal strength into the building. A minimum signal strength of -95 dBm shall be receivable within the building.
 - ii. Minimum signal strength out of the building. A minimum signal strength of -95 dBm shall be received by the agency's radio system when transmitted from within the building.
- B. Exception: Where it is determined by the Fire Official or his designee that the radio coverage system is not needed.

157-19. Permit required.

A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment, for both newly constructed and existing buildings, is required as specified in IFC Section 105.7.5. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

157-20. Technical requirements.

- A. Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with the following:
- B. Radio signal strength. The building shall be considered to have an acceptable emergency responder radio coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet signal strength requirements in subsections 1 and 2 below.
 - 1. Minimum signal strength into the building. A minimum signal strength of -95dBm shall be receivable within the building.

2. Minimum signal strength out of the building. A minimum signal strength of -95 dBm shall be received by the agency's radio system when transmitted from inside the building.
- C. System Design. The Emergency responder radio coverage system shall be designed in accordance with the below sections.
1. Amplification system allowed. Buildings and structures that cannot support the required level of radio coverage shall be equipped with a radiating cable system, a distributed antenna system with Federal Communications Commission (FCC) certified signal boosters, or other system approved by the Fire Official in order to achieve the required adequate radio coverage.
 2. Technical criteria. The Fire Official shall maintain a document providing technical information and requirements for the emergency responder radio coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, and other supporting technical information.
 3. Standby power. The standby power supply shall be capable of operating the emergency responder radio system for a duration of not less than 24 hours.
 4. Signal booster requirements. If used, the signal boosters shall meet the following requirements:
 - i. All signal booster components shall be contained in a National Electrical Manufacturer's Association (NEMA) 4 type waterproof cabinet.
 - ii. Battery systems used for the emergency power source shall be contained in a NEMA 4 type cabinet.
 - iii. The signal booster system shall be electrically supervised and monitored by a supervisory service, or when approved by the Fire Official or designee, shall sound an audible signal at a constantly attended location.
 - iv. Equipment shall have FCC certification prior to installation.
 5. Additional frequencies and change of frequencies. The emergency responder radio coverage system shall be capable of modification or expansion in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC.

157-20. Installation requirements.

- A. The installation of the public safety radio coverage system shall be in accordance with the following:
1. Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC shall not be installed without prior coordination and approval of the Fire Official.
 2. Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:
 - i. A valid FCC -issued general radio operators license.
 - ii. Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by a manufacturer of the equipment being installed.
 3. These qualifications shall not be required where demonstration of adequate skills and experience satisfactory to the Fire Official or designee is provided.
 4. Acceptance test procedure. Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the system tested to verify that two-way coverage on each floor of the building is not less than 90 percent. The test procedure shall be conducted as follows:
 - i. Each floor of the building shall be divided into a grid of 20 approximately equal test areas.

- ii. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the agency talking through the agency's radio communication system.
 - iii. Failure of not more than two nonadjacent test areas shall not result in failure of the test.
 - iv. In the event that three of the test areas fail the test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. Failure of not more than four nonadjacent test areas shall not result in failure of the test. If the system fails the 40-area test, the shall be altered to meet the 90-percent coverage requirement.
 - v. A test location approximately in the center of each test area shall be selected for the test, with radio enable to verify two-way communications to and from the outside of the building through the public agency's radio communication system. Once the test location has been selected, the location shall represent the entire test area. Failure in the selected test location shall be considered failure of that test area. Additional test locations shall not be permitted.
 - vi. The gain values of all amplifiers shall be measured, and the test measurement results shall be kept on file with the building owner so that the measurement results can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.
 - vii. As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by subject signal booster. The test shall be conducted at the time of installation and subsequent annual inspections.
5. FCC compliance. The emergency responder radio coverage system installation and components shall also comply with all federal regulations including, but not limited to, FCC 47 CFR Part 90.219.

157-21. Maintenance.

- A. The emergency radio coverage system shall be maintained operational at all times in accordance with the following.
 - 1. Testing and proof of compliance. The emergency responder coverage system shall be inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:
 - i. In-building coverage test as described in section 157-20(A)(4).
 - ii. Signal booster shall be tested to verify that the gain is the same as it was upon initial installation and acceptance.
 - iii. Backup batteries and power supplies shall be tested under a load of a period of 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
 - iv. Other active components shall be checked to verify operation within the manufacturer's specifications.
 - v. At the conclusion of the testing, a report, which shall verify compliance with section 510.3, shall be submitted to the Fire Official.

2. Additional frequencies. The building owner shall modify or expand the emergency responder radio coverage system at his expense in the event frequency changes are made by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this section.
3. Field testing. Agency personnel shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage.

157-22. Penalties. Any person or entities found to be in violation of these requirements of Chapter 157-18 to 157-23 shall, upon certification of said violation by the Borough of Bergenfield Fire Official, be subject to a penalty. Such penalties shall not exceed a rate of \$1000 a day per day for failure to abate the violation. If the violation is not remedied within 3 months, Certificate of Occupancy for the building in violation may be revoked.

157-23. Payment. The applicant for a permit under this section shall be responsible for all fees for review and inspection of the radio amplification system incurred by the Borough's public safety radio engineer and shall be charged the hourly rate approved by the borough.

Severability. If any provision or portion of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 4th day of December, 2018 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 18th day of December, 2018 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk