

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION**

ORDINANCE No. 1675-23

Introduced: July 11, 2023

Adopted: July 25, 2023

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 25th day of July, 2023. Copies of Ordinance 1675-23 are available by contacting the Borough Clerk or visiting our website at www.emersonnj.org.

**AN ORDINANCE TO AMEND CHAPTER 150 FIRE PREVENTION,
ARTICLE 1 UNIFORM FIRE CODE**

§ 150-1 Enforcement.

The New Jersey Uniform Fire Code shall be enforced within the Borough of Emerson in accordance with P.L. 1983, c. 383,^[1] by the Emerson Bureau of Fire Prevention and in accordance with the terms of this article and any amendments or supplements thereto. The “Emerson Bureau of Fire Prevention” means that refers to the department as created by ordinance of the Borough of Emerson and as set forth in the Code of the Borough of Emerson.^[2] The Bureau of Fire Prevention shall have jurisdiction to enforce the Fire Code within the geographical limits of the Borough of Emerson.

[1]

Editor's Note: See N.J.S.A. 52:27D-192 et seq.

[2]

Editor's Note: See Ch. 35, Fire Department.

§ 150-2 Organization.

The enforcement of the Fire Code shall be accomplished by the Emerson Bureau of Fire Prevention and the responsibility for the enforcement shall be under the direct supervision and control of the Fire Official as appointed by the Mayor and Council. Those members of the department who have been appointed as Fire Officials or inspectors by the Mayor and Council shall carry out the duties and responsibilities of this article. Other members of the Department shall only carry out the duties and responsibilities of this article when requested by a Fire Official and only when they have the proper certification or license from the State of New Jersey Department of Community Affairs.

§ 150-3 Fire Official; inspectors and other employees; compensation; removal.

A.

Fire Official. The individual responsible for the enforcement of the Uniform Fire Code shall be appointed by the Mayor and Council of the Borough of Emerson, and he shall be appropriately licensed in accordance with the requirements of the Department of Community Affairs. The appointment shall be for a term of three years, commencing on January 1 of the year of appointment, with the exception that an appointment to an unexpired term shall commence at the time of appointment and shall terminate on December 31 of the third year of the unexpired term.

[Amended 12-18-2007 by Ord. No. 1338]

B.

Inspectors and other employees. Such inspectors and other employees as may be necessary for the local enforcing agency to carry out its responsibility shall be appointed by the Mayor and Council of the Borough of Emerson. Inspectors appointed on or about January 1, 2008, shall be appointed for the following terms: one for three years; one for two years; and up to two for one year. Thereafter, all inspectors shall be appointed for terms of three years, commencing on January 1 of the year of appointment, with the exception that an appointment to an unexpired term shall commence at the time of appointment and shall terminate on December 31 of the third year of the unexpired term.

[Amended 12-18-2007 by Ord. No. 1338]

C.

Compensation. Compensation of individuals appointed to enforce the Fire Code shall be in accordance with the Salary Ordinance¹¹ adopted annually by the Mayor and Council of the Borough of Emerson.

[1]

Editor's Note: See Ch. 85, Salaries and Compensation.

D.

Removal from office. The inspectors and employees responsible to carry out the enforcement of this article and the New Jersey Uniform Fire Code and employed by the Borough of Emerson may be suspended or discharged from employment for inefficiency and misconduct in office or other just cause. Such inspectors and employees shall be afforded a hearing in accordance with applicable statutes and this article before their discharge from employment. The Fire Official appointed by the governing body to carry out the enforcement of this article and the New Jersey Uniform Fire Code may be suspended for the performance of his duties by the governing body. He shall be afforded a hearing subsequent to his suspension and in accordance with the rules and regulations of the Department of Community Affairs and statutes of the State of New Jersey and any other law which may be applicable. During his suspension the governing body shall make arrangements with a duly certified Fire Official to carry out the terms and enforcement of the New Jersey Uniform Fire Code in the Borough of Emerson.

§ 150-4Duties of local enforcement agency.

A.

Enforcement of the New Jersey Uniform Fire Code in the Borough of Emerson. The local enforcement agency shall enforce the Uniform Fire Safety Act¹¹ and the codes and regulations not inconsistent with the

legislative authority creating the New Jersey Uniform Fire Code and all ordinances adopted by the Borough of Emerson in connection with the fire prevention in all buildings, structures and on all premises within the Borough of Emerson other than owner-occupied one- and two-family dwellings.

[1]

Editor's Note: See N.J.S.A. 52:27D-192 et seq.

B.

Life-hazard uses. The local enforcement agency shall carry out periodic inspections of life-hazard uses required by the New Jersey Uniform Fire Code.

§ 150-5 Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act,¹¹ 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 County of Bergen, State of New Jersey.

[1]

Editor's Note: See N.J.S.A. 52:27D-206 and 52:27D-208.

§ 150-6 Additional required inspections and fees.

In addition to the inspections and fees required pursuant to the Act and regulations of the Department of Community Affairs, the following additional inspection and fees shall be required of the following premises and buildings in the Borough of Emerson:

A.

Annual inspection of all buildings and uses not requiring state registration, other than owner-occupied one- and two-family dwellings, except for complaints pertaining to fire hazards therein:

[Amended 5-19-1999 by Ord. No. 1107; 5-2-2006 by Ord. No. 1303]

§ 150-7 Permit fees.

[Amended 3-3-2020 by Ord. No. 1608-20; 9-15-2020 by Ord. No. 1618-20]

The permit fees shall be those established by the New Jersey Uniform Fire Code and ordinances of the Borough of Emerson.

A.

Annual inspection and business registration fees:

(1)

Less than 1,500 square feet: \$75 per year.

(2)

1,501 to 10,000 square feet: \$150 per year.

(3)

10,001 to 15,000 square feet: \$200 per year.

(4)

15,000 square feet and larger: \$350 per year.

B.

For any permanent cooking operation with grease-laden vapors, a Type 1 permit is required; fee is \$54.

C.

Tent fees are \$54, Type 1 permit.

D.

Any business located within the Borough of Emerson that has a kitchen hood suppression system and is not required to be registered as a life-hazard use will require an inspection every six months. The second inspection will carry a fee of \$25 for the suppression system inspection.

E.

Permits.

(1)

Type 1 permits are \$54.

(2)

Type 2 permits are \$214.

(3)

Type 3 permits are \$427.

(4)

Type 4 permits are \$641.

F.

Smoke detector and Carbon monoxide detector inspections - \$45 if inspection is scheduled 10 days or more from date of paperwork submittal.

Smoke detector and Carbon monoxide detector inspections - \$90 if inspection is scheduled more than 4 days but less than 10 days from date of paperwork submittal.

Smoke detector and Carbon monoxide detector inspections - \$161 if inspection is scheduled 4 days or less from date of paperwork submittal.

Any failed inspections will require a \$45 fee for each additional inspection.

G.

Registration for a carnival is \$77.

H.

If a business does not pay their annual business registration fee within 90 days of billing, they will receive a penalty equal to the amount of their annual registration fee.

§ 150-8 Exemptions from fees.

All nonprofit corporations, including churches, schools, fraternal organizations and other corporations which are classified as nonprofit corporations under Title 15A of the New Jersey statutes, shall not be required to pay to the Borough of Emerson any of the permit fees set forth above. This exemption shall only extend to permit fees and the activities of the nonprofit corporations shall not be exempt from any other aspects of the New Jersey Uniform Fire Code, including registration and compliance.

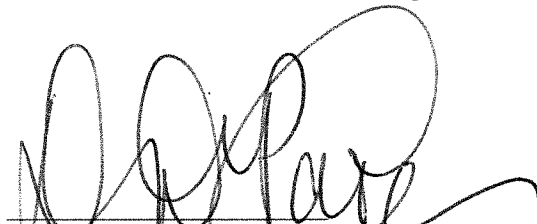
§ 150-9 Violations and penalties.

[Amended 3-3-2020 by Ord. No. 1608-20]

Any individual who violates the terms of the New Jersey Uniform Fire Code may be subject to violations and penalties as per sections of the New Jersey Uniform Fire Code 5:70-2.12 through and including 5:70-2.13.


ATTEST:


Jane Dietsche, RMC, Borough Clerk


Danielle DiPaola, Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
McGuire			X			
Gordon			X			
Moore			X			
Timmerman		X	X			
Argenzia	X		X			
Rice			X			

I hereby certify that the above ordinance was duly adopted by the Borough of Emerson at a meeting held on July 25th, 2023.

Attest: 
Jane Dietsche, RMC