

City Clerk File No. Ord. 14.117
Agenda No. 3.0 1st Reading
Agenda No. 4. N. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.117

TITLE: ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY), SUB-ARTICLE II (DIVISION OF FIRE AND EMERGENCY SERVICES); ARTICLE XVII (FIRE SAFETY MANAGER); AND CHAPTER 160 (FEES) OF THE JERSEY CITY MUNICIPAL CODE

COUNCIL offered and moved adoption of the following Ordinance:

- A. The following amendments to Chapter 3 (Administration of Government), Article XI (Department of Public Safety), Sub-Article II (Division of Fire and Emergency Services) are hereby adopted:

ADMINISTRATION OF GOVERNMENT
ARTICLE XI
Department of Public Safety
SUB-ARTICLE II
Division of Fire and Emergency Services

§3-88. Creation of the Division of Fire and Emergency Services

There shall be a Division of Fire and Emergency Services, the head of which shall be the Fire Chief. Within the Division of Fire and Emergency Services, there shall be the Bureaus of Fire Operations and Fire Prevention.

- A. The Bureau of Fire Operations shall perform the following functions:
- (1) Through (11) No Change.
- B. Bureau of Fire Prevention shall perform the following functions:

The Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq. The Bureau of Fire Prevention shall conduct periodic inspections of Life Hazard Use Occupancies required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

- (1) There shall be a Fire Prevention Bureau within the Department of Public Safety, the head of which shall be designated as the Fire Official. The Fire Prevention Bureau shall be the local enforcing agency for the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., as authorized by the Act.
- (2) The Fire Prevention Bureau shall conduct periodic inspections of Life Hazard Use Occupancies required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
- (3) Local Enforcement - pursuant to Section 1 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.), shall be locally enforced in the City of Jersey City.

- (4) Agency Designation - the local enforcing agency shall be the Jersey City Division of Fire and Emergency Services through its Fire Prevention Bureau. Fire Prevention Bureau shall hereinafter be known as the local enforcing agency.
- (5) Duties - the local enforcing agency shall:
- (a) enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the City of Jersey City, other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State;
 - (b) faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.
- (6) Organization - the Fire Prevention Bureau shall:
- (a) be under the direct supervision and control of a Fire Official, who shall report to the Director of Public Safety;
 - (b) have paid Fire Inspectors.
- (7) Appointment, Qualifications, Term of Office, Removal of the Fire Official, Inspectors and/or Legal Counsel:
- (a) Fire Official shall be certified by the State, and appointed by the governing body from a list submitted by the Director of Public Safety;
 - (b) Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon recommendation of the Fire Official. All life hazard use Inspectors shall be certified by the State and shall comply with all pertinent Civil Service regulations;
 - (c) Legal Counsel - the governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code;
 - (d) Removal of office - the Fire Official shall be subject to removal by the governing body for just cause. Before removal from office, the Fire Official shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.
- (8) Life Hazard Uses - the Fire Prevention Bureau shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
- (9) Arson Investigation - there is hereby established within the Department of Public Safety an Arson Investigation Unit. Under the supervision of the Fire Official, the Arson Investigation Unit shall conduct investigations of arson, suspicious fires, undetermined fires, and explosions within the City of Jersey City.
- (a) Before any member of the Department of Public Safety may be assigned to the Arson Investigation Unit, he/she shall have successfully completed a course of training approved by the Police Training commission and an arson investigation training course approved by the New Jersey Department of Public Safety;
 - (b) Members of the Arson Investigation Unit shall have the same powers and authority as police officers within the City of Jersey City while engaged in the actual performance of investigation duties, specifically including the right to

carry firearms pursuant to regulations promulgated by the Director of Public Safety of the City of Jersey City.

§3-88.1. Fire Prevention Code.

Adopt and enforce the State of New Jersey Uniform Fire Code.

§3-88.2. Non-Life Hazard Use Registration.

All premises not classified as "life hazard uses" pursuant to the Uniform Fire Code (with the exception of owner-occupied detached Use Group R-3 structures, used exclusively for dwelling purposes) shall be classified as "Non-Life Hazard Uses". Non-Life Hazard Uses shall be registered and have an annual registration fee with the Jersey City Fire Prevention Bureau, which will conduct annual periodic inspections. The registration process will provide accountability for all types of businesses and stored contents as well as create a safer environment for the public and will facilitate pre-fire planning by the Jersey City Division of Fire and Emergency Services. Non-Life Hazard Use registration forms are available at the office of the Fire Official located at Memorial Fire Headquarters. All registration applications shall be recorded with the Fire Prevention Bureau and be paid annually. If a business is found operating without a registration or permit, an order to cease operation will be issued and enforced with penalties imposed in accordance with N.J.A.C. 5:70-2.12, N.J.A.C. 5:70-2.12A, and N.J.A.C. 5:70-2.13. Outstanding penalties or fees shall be collected through the Jersey City Municipal Court with issuance of Court Summons appearance.

§3-88.3. Commercial/Industrial Registration Fees.

All commercial/industrial locations not registered as Life Hazard Use under the State of New Jersey Uniform Fire Code, shall be registered as a Non-Life Hazard Use with the Fire Prevention Bureau, and shall be inspected on an annual basis. The annual fee for this service will be \$50.00 and shall be paid by the business owner.

Description	Annual Fee
Commercial/Industrial	\$50.00

§3-88.4. Fee Chart.

Residential Multiple Dwelling: All Multiple Dwellings not registered as a Life Hazard use under the State of New Jersey Uniform Code, shall be registered as a Non-Life Hazard Use with the Fire Prevention Division and shall be inspected on an annual basis. The annual fee for this service will be as listed in the chart below and shall be paid by property owner.

Number of Residential Units	Annual Fee
1-10 Units	\$135.00
11-20 Units	\$225.00
21-30 Units	\$325.00
31-40 Units	\$425.00
41 Units and above	\$525.00

Exceptions: 1 (one) or 2 (two) family homes - owner occupied.

§3-88.5. Non-Life Hazard Use Inspections.

Non-Life Hazard Use Inspections will be conducted by line company officer during the course of their tour of duty.

§3-88.6. Permits and Fees.**A. Type 1A Permit - \$25.00;**Type 1 - \$ 125.00Type 2 - \$ 250.00Type 3 - \$ 375.00Type 4 - \$ 500.00Type 5 - \$1500.00**B. Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance (CSDCMAC) - (N.J.A.C. 5:70-2.3) Fee: \$75.00.****C. Property Search Fee: \$40.00.****D. Fire Incident Report: Two (2) pages or less, \$5.00; for additional pages over two (2), \$2.00.****E. Fire Investigation Reports: Two (2) pages or less, \$5.00; for additional pages over two (2), \$2.00.****F. Fire Code Status Inspection: \$150.00.****G. Apparatus Stand-By, Per Hour Per Piece of Apparatus: \$500.00; includes fire apparatus utilized for fireworks, helicopter operations (minimum two apparatus), standpipe flow tests or any other operation deemed necessary by the Fire Official that requires Fire Division monitoring. It shall be the discretion of the Fire Official as to the number of apparatus required.****H. Inspector Stand-By: Supervisor \$60.00 per hour; Inspector \$50.00 per hour.****I. Fire Boat Stand-By: \$500.00 per hour.****J. The use of flammable gas cylinders in food vending carts or vehicles in any amount shall require a Type 1A permit for a \$25.00 fee.****§3-88.7. Technical Amendments. Reserved.****§3-88.8. Solicitations Restricted.**

No member of the Department of Public Safety shall solicit or accept anything of value as consideration for or in connection with the discharge of his or her official duties. No such member shall solicit the sale of tickets in connection with any fund-raising campaign or request contributions directly or indirectly for the same, or solicit anything of value for the benefit of himself or herself or other members of the Division of Fire and Emergency Services, or any other group or organization, without the written permission of the Director of the Division of Fire and Emergency Services.

§3-88.9. Rules and Regulations.**A. The 1937 Edition of the Rules, Regulations and Manual of Instructions, consisting of 412 pages, is hereby adopted, ratified and promulgated as and for rules of the Division of Fire and Emergency Services.****B. All the other rules, regulations and general orders promulgated since 1937 by the Director of Public Safety and the Director of the Division of Fire and Emergency Services, and which have been transmitted to the City Clerk, who is to keep them on file, are hereby ratified, adopted and promulgated as the rules and regulations governing the Department of Public Safety and the Division of Fire and Emergency Services.**

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

TK/he
1/28/14

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

Ordinance Amending Chapter 3 (Administration of Government), Article XI (Department of Public Safety), Sub-article II (Division of Fire and Emergency Services); Article XVII (Fire Safety Manager); and Chapter 160 (Fees) of the Jersey City Municipal Code

Initiator

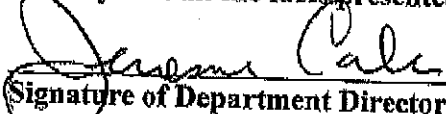
Department/Division	Public Safety - Fire	
Name/Title	Dennis Nuber, Fire Official	
Phone/email	201-547-4255	

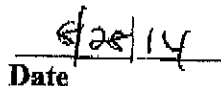
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

1. Formally adopt the NJ Fire Code as the enforcement document within the City of Jersey City.
2. Task the Bureau of Fire Prevention with the implementation and enforcement of the NJ Fire Code within the City of Jersey City.
3. Define the duties, organization and appointment parameters for the Bureau of Fire Prevention.
4. Establish fees for the non-life hazard use inspection program as required by the NJ Fire Code.
5. Establish the Arson Investigation Unit.
6. Establish fees for various services performed by the Fire Prevention Bureau.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 14.117
TITLE: 3.0 SEP 10 2014 4.N SEP 23 2014

Ordinance amending Chapter 3 (Administration of Government), Article XI (Department of Public Safety), Sub-Article II (Division of Fire and Emergency Services); Article XVII (Fire Safety Manager); and Chapter 160 (Fees) of the Jersey City Municipal Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 10 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 23 2014 7-0											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ADSENT		
RAMCHAL	✓			OSBORNE	ADSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 23 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

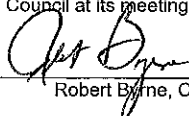
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 10 2014

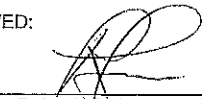
Adopted on second and final reading after hearing on SEP 23 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 23 2014


Robert Byrne, City Clerk

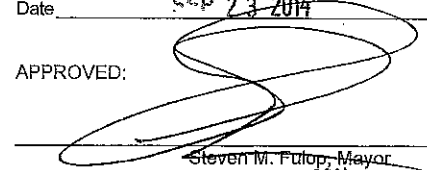
*Amendment(s):

APPROVED:


Rolando R. Lavarro, Jr., Council President

Date SEP 23 2014

APPROVED:


Steven M. Fulop, Mayor

Date SEP 24 2014

Date to Mayor SEP 24 2014