

**BOROUGH OF FAR HILLS  
ORDINANCE NO. 2017-02**

**AN ORDINANCE ADOPTING A NEW FIRE PROTECTION AND  
FIRE PREVENTION CODE AND ESTABLISHING A PERMIT  
FEE SCHEDULE**

**BE IT ORDAINED** by the Borough Council of the Borough of Far Hills, in the County of Somerset and State of New Jersey, as follows:

Section I        Ordinance No. 2010-01 is hereby repealed in its entirety.

Section II       The following provisions shall apply throughout the Borough of Far Hills:

**SECTION II. UNIFORM FIRE CODE**

**A.     Adoption of Uniform Fire Code.**

1. For the purpose of prescribing regulations governing conditions hazardous, or likely to become hazardous to life or property from fire or explosion, that certain code known as "The Uniform Fire Code," N.J.A.C. 5:70-1.1 et seq., and all amendments and supplements thereto is hereby adopted in its entirety as the fire prevention code, rules, regulations, and standards of the Borough of Far Hills (the "Code"). A copy of the code, printed in book form, accompanies the introduction of this section. Three (3) copies of the code have been placed on file in the office of the Borough, and will remain on file, for the use of an examination by the public.

**B.     Local Enforcement.**

1. Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c383) (N.J.S.A. 52:27D-202) and the applicable Department of Community Affairs regulations including N.J.A.C. 5:71-3.2, the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Far Hills. It will be administered by the Fire Official.

a. The fire official shall be responsible for enforcing the code within the Borough of Far Hills for:

1. All privately-owned premises subject to the code, including, but not limited to, leased but not maintained by the state, or any of its boards, commissions, agencies or authorities;
2. All premises owned by or leased to any municipal or local authority, board, commission or agency;
3. All premises owned by or leased to any county or regional authority, or its boards, commissions, agencies or authority, or its boards, commissions, agencies or

authorities if no county enforcing agency has been designated to enforce the code, or if requested to do so in accordance with N.J.A.C. 5:71-2.9.

- b. The fire official and fire inspectors shall carry out the periodic inspections of the life hazard uses required by the Code on behalf of the Commissioner of Community Affairs.

**C. Appointment of Fire Official and Other Employees.**

1. The fire official shall be appointed by the Borough of Far Hills. Said fire official shall coordinate the activities of any other inspectors or other staff, and shall be certified in accordance with N.J.A.C. 5:71-4. The fire official shall enforce the provisions of this section and the code, as the code and this section may from time to time be amended. The fire official may serve simultaneously as the fire sub code official pursuant to the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1, et seq.), the terms for both positions to run concurrently. A vacancy shall be filled for the unexpired term.
2. The Borough of Far Hills shall ensure that the Borough has an adequate number of inspectors to complete all necessary inspections and review of all permit applications and act on them in a timely manner, as well as sufficient staff to ensure that enforcement actions are taken in a timely manner when violations are found and not corrected. Any inspectors engaged in life hazard uses shall be certified as specified in N.J.A.C. 5:71.1, et seq.
3. The fire official, additional inspectors and other local enforcement agency personnel provided pursuant to this subsection shall be considered public employees as set forth in N.J.A.C. 5:71-2.3.

**D. Registration and Permit Fees.**

**1. Life Hazard Uses.**

In accordance with the provisions of N.J.A.C. 5:70-2.6, the Fire Official shall make a survey of all buildings and businesses within the Borough of Far Hills considered to be Life Hazard Uses and that the owners file with the Commissioner, on forms provided by the Commissioner, appropriate application and certificate of registration of the location and use. Fees for such registration will be charged and collected by the State of New Jersey, Division of Fire Prevention and distributed to the Local Enforcement Agency in accordance with N.J.A.C. 5:70-2.6.

**2. Non-life Hazard Uses.**

In addition to the registrations required by the Uniform Fire Code, all businesses not specifically included in the state listing of Life Hazard uses, shall register annually with the Local Enforcing Agency, pay a registration fee and be inspected periodically, but not less than once every two (2) years. The annual registration fee shall be as follows:

Up to 3,000 sq. ft. of occupied space.	-	\$45.00
3001 sq. ft. to 6000 sq. ft.	-	\$70.00
6,001 sq. ft. to 12,000 sq. ft.	-	\$95.00
Over 12,000 sq. ft.	-	\$225.00

Owners of multi-tenant businesses, condominiums or apartment complexes, who are responsible for common and assembly areas, fire alarm systems, automatic sprinkler systems and alarms, elevators, mechanical and electrical equipment rooms will be assessed on the net square footage after tenant area is subtracted from the gross building area. A tenant list with square footage of their responsibility and total building area is required to be given annually to the Local Enforcing Agency so they can maintain their records.

The registration fee to be assessed will be equal to the amounts listed above for the net square footage.

In the event of a vacancy, that area will be added to the owners assessed area and billed accordingly at the next annual billing cycle.

Owners of multi-tenant locations that do not have common areas but are still responsible for the other services listed above will be assessed a forty-five (\$45.00) dollar registration fee annually to cover the inspection and administration requirements require by the State Uniform Fire Code.

### **3. Permit Fees.**

Type 1 - \$42.00

Type 2 - \$166.00

Type 3 - \$331.00

Type 4 - \$497.00

- a. Permit fees are subject to change in accordance with the New Jersey Uniform Fire Code (N.J.A.C. 5:70-2.9(c)).
- b. All one and two family residential locations are required to obtain appropriate permits for tents and cooking purposes when used for assembly purposes.
- c. Food trucks at all events within the Borough of Far Hills are required to obtain any and all permits that are required by the New Jersey Uniform Fire Code.
- d. Non-profit permit fees: Non-profit organizations shall be required to obtain a permit for each tent; however, the total fee for all tent permits shall not exceed \$250.00

### **E. Multi-Tenant and Neighborhood Homeowner Associations.**

1. Owners of multi-tenant locations are required to provide up-to-date information concerning their management companies and a tenant listing including suite numbers and area of responsibility in square footage. These listings are to be forwarded to the Fire Official on a yearly basis.
2. All rear doors to shopping centers shall be marked with the name and/or address of the store. All numbers and or letters shall be at least two (2") in height and be reflective.
3. All homeowner associations are to supply the Fire Official with up-to-date information concerning their current management company including contact information of responsible parties. This

information is to be supplied to the Fire Official on a yearly basis and updated if a new management company is contracted with.

**F. Smoke-sensitive Alarm Devices.**

1. Prior to the sale or lease of any structure or any change in occupancy for residential purposes, the owner shall obtain a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC) with the borough fire official. The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC) shall be based upon the amount of time remaining before the change of occupancy as follows:
  - a. Requests for a CSDCMAC received more than ten (10) business days prior to the change of occupant: \$45.00.
  - b. Requests for a CSDCMAC received four (4) to ten (10) business days prior to the change of occupant: \$70.00.
  - c. Requests for a CSDCMAC received fewer than four (4) business days prior to the change of occupant: \$125.00.

All certificates and inspections under this Section 10-3 are subject to compliance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.3, et seq. All fees under this section are subject to change in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.9(d).

Any request for a duplicate CSDCMAC shall require a fee of twenty (\$20.00) dollars per certificate.

**G. Waiver of Fees.**

1. The following shall be exempt from local registration and permit fees but will be required to be registered, inspected and obtain permits for functions specific to the ownership of the entity:
  - a. Borough of Far Hills Municipal entities
  - b. Far Hills-Bedminster Fire Department
  - c. Far Hills-Bedminster First Aid Squad
  - d. Churches and their specific fundraising functions

**H. Appeals.**

1. Any person aggrieved may appeal any action enforcing the Uniform Fire Code, including rulings, orders or notices, by submitting a written hearing request to the Somerset County Construction Board of Appeals.

**I. Key Access for Responding Fire Companies.**

1. As determined by the Fire Official, the following shall be required to install a key access box that will allow responding fire companies to gain entry to the facility to determine cause of an alarm activation.
  - a. All commercial and industrial properties that are protected by an automatic central alarm and/or sprinkler system.

- b. All churches, schools and other places of public assembly.
  - c. All multi-family dwelling locations that contain common areas, specific locations for storage or contain automatic central alarms or sprinkler systems.
  - d. Residential properties that are protected by an automatic central alarm systems or sprinkler systems.
2. The key box shall be the type that is administered by the Borough of Far Hills, installed in a location that is approved by the Fire Chief of the primary responding fire company and contain keys to locked points of interior and exterior egress and locked mechanical, electrical and elevator control rooms.
  3. All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.

**J. Use of Private Water Sources in Fire Emergencies.**

1. In the event of a fire emergency, a fire company shall be authorized to enter private property, residential or commercial, located within the Borough of Far Hills, and to utilize any private water source including, but not limited to, swimming pools, fountains, ponds or streams. Private water sources shall be used only if no sufficient, easily accessible public water supply is available. Such determination shall be made by the chief of the local volunteer fire company responding to the fire emergency, or his designated representative at the scene of a fire emergency.
2. Any person with knowledge or information regarding a private water source shall, in the event of a fire emergency, disclose such information to the fire company responding to such fire emergency, or to any other emergency personnel.
3. Any person who prevents, hinders or impedes the utilization of any private water source in a fire emergency shall, upon conviction in municipal court, be subject to the penalty provisions set forth in Ordinance 2013-14 or any amendment thereto.

**K. Fire Hydrants.**

1. **Permission Required.** Except as set forth in paragraph 2. below, no person, firm, corporation or entity shall open, use or assist in the use, opening or turning on of, any public or private fire hydrant within the township without first obtaining a Type I permit from the township fire official and a permit and metering devise from the appropriate water company supplying the Borough of Far Hills.
2. **Non-applicability to Fire Companies.** Paragraph 1. shall not apply to the use of any fire hydrant by a fire company or fire department rendering public fire service.
3. **Damage to Hydrants.** No person, firm, corporation or entity shall damage, injure or deface, or assist in the damaging, injuring or defacing of, any fire hydrant.
  - a. Clear space around hydrants. A three (3') foot (914mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise approved.

- b. It is the responsibility of the homeowner or property owner to clear snow from the area of the hydrant to allow fire service personnel access to the hydrant within 8 hours of the completion of a snowstorm.
  - c. Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25.
4. **Violations and Penalties.** Any person, firm, corporation or entity who is found guilty of violating any provisions of this section shall, upon conviction in municipal court, be subject to the penalty provisions set forth in Ordinance 2013-14 or any amendment thereto.

**Section III. State Fire Code and State Construction Code to Prevail.**

- 1. It is understood that this Ordinance does not supersede or preclude any penalties, rules or regulations promulgated by the State Fire Code or State Construction Code, and should this chapter be found to conflict with the State Fire Code or State Construction Code, the State Fire Code or State Construction Code will take precedence.


**Section IV.** In case any article, section or provision of this ordinance shall be held to be invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provisions so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section V.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Far Hills, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Far Hills are hereby ratified and confirmed, except where inconsistent with the terms hereof.

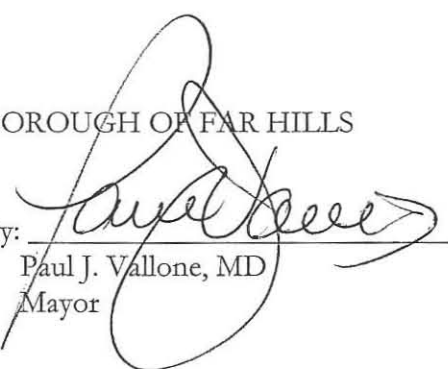
**Section VI.** This Ordinance shall take effect immediately upon its final passage and publication according to the law.

Introduced: February 13, 2017  
Published: February 16, 2017  
Adopted: February 27, 2017  
Published: March 2, 2017

ATTEST:

  
Dorothy S. Hicks  
Borough Clerk

BOROUGH OF FAR HILLS

By:   
Paul J. Vallone, MD  
Mayor