

**2015-47**

**AN ORDINANCE BY PRINCETON  
CONCERNING THE FIRE  
PREVENTION CODE AND  
AMENDING CHAPTER 14, ARTICLE  
II OF THE “CODE OF THE  
BOROUGH OF PRINCETON, NEW  
JERSEY, 1974.”**

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A. 40:43-66.35* consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A. 40:43-66.64*, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, on April 22, 2013, the Princeton Council adopted Ordinance 2013-7 entitled “An Ordinance by Princeton Concerning Fire Prevention and Amending the ‘Code of the Borough of Princeton, New Jersey, 1974’ and the ‘Code of the Township of Princeton, New Jersey, 1968’,” which consolidated portions of Chapter 14 of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”) and portions of Chapter 8 of the “Code of the Township of Princeton, New Jersey, 1968” (“Township Code”) pertaining to fire prevention and created a new Chapter 14, Article II in the Borough Code to set forth the fire prevention regulations for Princeton and to replace the above-referenced sections of the Borough Code and Township Code, as set forth in Exhibit A to Ordinance 2013-7 (the “Fire Prevention Code”); and

WHEREAS, Princeton’s Fire Official has recommended revisions to the Fire Prevention Code, including revisions, as set forth in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the Princeton Council wishes to adopt said revisions to the Fire Prevention Code.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Article II, “Fire Prevention Code” in Chapter 14 of the “Code of the Borough of Princeton, New Jersey, 1974,” as adopted on April 22, 2013 pursuant to Ordinance 2013-7, is hereby amended to read as set forth in Exhibit A attached hereto and made a part hereof.

Section 2. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 4. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of the attached revised Article II in Chapter 14 of the “Code of the Borough of Princeton, New Jersey, 1974” shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

STATEMENT OF PURPOSE: This ordinance makes multiple revisions to Chapter 14, Article II (Fire Prevention Code) of the Princeton Code, including revisions to the name of the enforcing agency and a requirement that the owner of any building, structure or premises not listed as a life hazard use (referred hereafter as non-life hazard uses), including multi-family buildings or structures but not including owner-occupied detached one and two family dwellings that are used exclusively for residential purposes, submit an annual certification signed by a licensed multi-family dwelling inspector or other licensed individual qualified to inspect party walls, stating that a visual inspection of all party walls, from foundation to roof deck, was conducted and that no penetrations were found that were not properly sealed in accordance with applicable code requirements.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held December 21, 2015.

*Kathleen K. Brzezynski*

Kathleen K. Brzezynski  
Deputy Clerk

# **EXHIBIT A**

## CHAPTER 14

### Article II. Fire Prevention Code

#### Sec. 14-11. Reserved.

#### Sec. 14-11.1. Local enforcement of New Jersey Uniform Fire Code.

Pursuant to section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code shall be locally enforced in Princeton.

#### Sec. 14-11.2. Creation of the Bureau of Fire Safety.

The local enforcing agency required by N.J.S.A. 52:27D-192, *et seq.* "Uniform Fire Safety Act" shall be the Bureau of Fire Safety, which is hereby created.

#### Sec. 14-11.3. Duties of the Bureau of Fire Safety.

The Bureau of Fire Safety shall enforce the Uniform Fire Code, N.J.A.C. 5:70-1.1 *et seq.*, pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, *et seq.*, and the codes and regulations adopted under it in all buildings, structures, and premises within the established boundaries of Princeton, other than owner-occupied one and two family dwellings and buildings owned or operated by the federal government, the State of New Jersey, interstate agencies and any agency or instrumentality thereof. In undertaking said enforcement, the Bureau of Fire Safety shall faithfully comply with the requirements of the Uniform Fire Code.

#### Sec. 14-11.4. Inspection of life hazard uses.

The Bureau of Fire Safety herein created shall carry out on behalf of the Commissioner of the New Jersey Department of Community Affairs the periodic inspection of life hazard uses required by the Uniform Fire Code.

#### Sec. 14-11.4.1. Inspection of non-life hazard uses.

The Bureau of Fire Safety herein created shall hereby inspect all buildings, structures or premises not listed as life hazard uses (referred hereafter as non-life hazard uses), with the exception of owner-occupied detached one and two family dwellings that are used exclusively for residential purposes. Individual dwelling units in multi-family dwellings are also excluded from this inspection program with the exception of the common egress, storage and mechanical areas of such structures. All non-life hazard uses shall be inspected periodically but not less than once every twelve months.

#### Sec. 14-11.5. Organization of Bureau of Fire Safety.

The fire official shall be the chief administrator of the Bureau of Fire Safety. The Bureau of Fire Safety shall be under the direct supervision and control of the fire official who shall report to the director of emergency and safety services.

Sec. 14-11.6. Appointment of fire official; term; removal.

- (a) Appointment of fire official; term. The Bureau of Fire Safety shall be under the immediate supervision of the fire official who shall be appointed by the mayor and council.
- (b) Removal of fire official. The fire official shall be subject to removal by the administrator for inefficiency or misconduct in accordance with the Princeton Personnel Manual.

Sec. 14-11.7. Inspectors and employees; appointment and removal.

Such inspectors as may be necessary in the Bureau of Fire Safety shall be appointed by the administrator. Inspectors and other employees of the Bureau of Fire Safety shall be subject to removal by the administrator for inefficiency or misconduct in accordance with the Princeton Personnel Manual.

Sec. 14-11.8. Appeal of order of the Bureau of Fire Safety.

Pursuant to sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Safety as it relates to the Uniform Fire Code shall have the right to appeal to the Princeton construction board of appeals.

Sec. 14-11.9. Permit fees.

The permit fees shall be those set forth in the Uniform Fire Code, N.J.A.C. 5:71-2.3(b)4 and N.J.A.C. 5:71-2.8(b):

- (a) Type I Fire Safety Permit - \$100.00
- (b) Type II Fire Safety Permit - \$200.00
- (c) Type III Fire Safety Permit - \$350.00
- (d) Type IV Fire Safety Permit - \$600.00

Sec. 14-11.10. Fees for inspection of uses not classified as life hazard uses and fees for inspection of multiple dwellings.

(a) Owners of businesses or other uses constituting industrial, commercial, educational, professional services and other uses not classified as life hazard uses by the Uniform Fire Code shall pay to Princeton for inspections pursuant to this chapter fees determined by the gross floor area of the use as follows:

Under five hundred square feet	One hundred dollars.
Five hundred square feet to nine hundred ninety-nine square feet	One hundred twenty-five dollars.
One thousand square feet to four thousand nine hundred ninety-nine square feet	Two hundred seventy-five dollars.
Five thousand square feet to ten thousand square feet	Three hundred fifty dollars.
Ten thousand one square feet to twenty thousand square feet	Five hundred twenty dollars.
Twenty thousand one square feet to fifty thousand square feet	Five hundred seventy two dollars
Fifty thousand one square feet to one hundred thousand square feet	Six hundred twenty four dollars*

\* An additional seventy five dollars for each fifty thousand square feet or parts thereof above one hundred thousand square feet will be added to cover the expense of performing the fire safety inspection.

One and two story parking decks	Fifty-five dollars per deck
Three or more multiple story parking decks	One hundred ten dollars per deck

(b) Where a multiple family dwelling not classified as a life hazard use by the Uniform Fire Code contains common areas which require inspection in accordance with Sec. 14-11.4.1 of this code, the owners of multi-family dwellings shall pay for said inspections a fee of thirty dollars (\$30.00) per dwelling unit for each building requiring inspection, except that no building owner shall be required to pay more than five-hundred dollars (\$500.00) per building.

(c) No certificate of smoke detector and carbon monoxide alarm compliance required by N.J.A.C. 5:70-2.3 shall be issued until such time as inspections, and reinspections if required, are conducted by the Bureau of Fire Safety & Housing Inspection to ensure compliance with the requirements for smoke detectors and carbon monoxide alarms in accordance with N.J.A.C. 5:70-2.3 *et seq.* The owner of the dwelling unit shall pay a fee of twenty-five dollars for the initial inspection and fifty dollars for each reinspection required to determine compliance with the requirements of N.J.A.C. 5:70-2.3. The inspection fee shall be in addition to the application fee required by N.J.A.C. 5:70-2.9(d).

(1) Exception: Affordable Housing Units as sold through the Princeton Affordable Housing Program shall only be required to pay the application fee required by N.J.A.C. 5:70-2.9(d).

Sec. 14-11.10.1. Registration of non-life hazard uses.

- (a) Owners of businesses and/or other uses constituting industrial, commercial, professional services, educational, multi-family residential and other uses not classified as life hazard uses by the Uniform Fire Code and which are required to be inspected herein in accordance with the article and the requirements of the New Jersey Uniform Fire Code shall register annually with the Bureau of Fire Safety as provided herein.
- (b) The owners of uses required to be registered annually shall do so on forms provided by the Bureau of Fire Safety, and shall include, but not be limited to, the following information:
  - (1) The name, address, telephone number of the owner of the property upon or in which the use is located.
  - (2) The name, home address, and home telephone number of the owner, operator, or registered agent of the use, if different from the owner of the property.
  - (3) The name, physical location, mailing address, and telephone number of the use or business.
  - (4) The type of use along with a description of the business of activity being conducted.
  - (5) The amount of square footage being utilized or occupied by the use or business.
  - (6) Any further information deemed necessary to identify or classify the use or business, as may be required by the fire official.
- (c) It shall be a violation of this article for the owner or operator of a business to fail to return such forms within thirty days of being ordered to do so by the fire official. If the ownership is transferred, whether by sale, assignment, gift, intestate succession, devise, reorganization, receivership, foreclosure or execution process, the new owner or operator shall file a new registration within thirty days of such a transfer.
- (d) Waivers. The following businesses and uses shall be exempt from the local permit and inspection fees required herein; however, they shall be required to properly apply for such permits and registrations and comply with all other code requirements:
  - 1. Volunteer fire companies.

2. Volunteer ambulance squads.
  3. The municipality of Princeton, its boards and committees and all contractors, subcontractors, agents and employees of the municipality of Princeton, within the performance of their authorized duties.
- (e) Failure to Register - A penalty of two hundred fifty dollars shall be assessed for any business or use required to register that fails to register in accordance with the requirements herein.

Sec. 14-11.11. Miscellaneous fees.

- (a) Any building application which requests or involves a variance from the requirements of the Uniform Fire Code shall be accompanied by an additional fee in the amount of fifty dollars to cover review and administrative costs relating to the requested variation.
- (b) Pursuant to the Uniform Fire Code, N.J.A.C. 5:70-1.1 *et seq.*, as may be amended from time to time, upon the request of the owner or bona fide purchaser of a building or structure, the fire official shall issue a certificate either enumerating the violations indicated by its records to be abated and the penalties or fees indicated to be unpaid or stating its records indicate that no violations remain unabated and no penalties or fees remain unpaid. Such request shall be in writing and accompanied by a fee of thirty-five dollars.

A person who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all violations of record and shall be liable for the payment of all unpaid fees or penalties.

Sec. 14-12. Reserved.

Sec. 14-13. Local technical amendments to the Uniform Fire Code.

In accordance with the Uniform Fire Code, N.J.A.C. 5:71-1.1 *et seq.*, as may be amended from time to time, the following requirements shall be adopted as local amendments to the technical standards of the Uniform Fire Code:

- (a) Type I permits: Permits shall be obtained from the fire official for any of the following listed activities or uses. Permits shall at all times be subject to inspection by the fire official. The following shall be classified as Type I permits:
  - (1) Asphalt tar kettles: No person, firm or corporation shall make use of or fire any asphalt (tar) kettle without first obtaining a permit from the fire official.

- (2) Liquefied petroleum gas or liquefied natural gas: A permit shall be obtained from the fire official for the storage or use of liquefied petroleum gas or liquefied natural gas utilizing storage containers having a capacity exceeding twenty pounds, or multiple containers having an aggregate capacity exceeding twenty pounds, except in residential occupancies.
- (3) Flammable or combustible liquids: A permit shall be obtained from the fire official to store greater than twenty-five gallons of flammable or combustible liquids above ground.

Exception: Fuel tanks for heating one-and two-family dwellings, up to six hundred sixty gallons in capacity.

(b) Fire hydrants.

- (1) Markings: All new and existing fire hydrants installed on private property shall have red barrels with white reflective caps.

Exception: Existing limited-service fire hydrants shall have yellow barrels with white reflective caps.

(c) Exterior storage:

- (1) Dumpster enclosures: No dumpster shall be placed closer than ten feet to any building, fire escape, or exit door unless provided with an approved, noncombustible enclosure constructed in accordance with the Uniform Construction Code. Dumpsters placed closer than fifteen feet to any building shall be provided with an approved enclosure of limited-combustibility, constructed in accordance with the Uniform Construction Code.
- (2) Trash enclosures: With the exception of one-and two-family dwellings, no loose trash, trash bags, or trash cans shall be located closer than ten feet to any fire escape or exit, nor closer than five feet to any building unless provided with an approved enclosure of limited-combustibility constructed in accordance with the Uniform Construction Code.
- (3) Exterior storage: Exterior storage shall be neat, orderly, shall not obstruct ingress or egress to the building, and shall not be within ten feet of any building.

(d) Street obstruction:

- (1) Street obstruction: No person or persons shall erect, construct, place or maintain any fences, gates, chains, bars, pipes or any other type of obstruction in or on any street or fire access lane within the municipal boundaries of Princeton, without approval of the fire official. The word "street", as used herein, shall mean any roadway accessible to the public for vehicular traffic, including but not limited to private streets or access

lanes, as well as all public streets within the municipal boundaries of Princeton.

(e) Storage of flammable or combustible liquids or hazardous materials:

- (1) Secondary containment: All new and existing aboveground tanks greater than fifty-five gallons capacity utilized for the storage of flammable or combustible liquids or hazardous materials shall be provided with secondary containment constructed of an impermeable material and sized to hold one hundred fifteen percent of the largest tank or container

inside the containment area.

Exception: Owner occupied one- and two-family residential fuel oil tank installations of six hundred sixty gallons capacity or less.

(f) Multi-family dwellings:

- (1) Smoke detectors: Smoke detectors required to be installed in individual dwelling units or guest rooms by the Uniform Fire Code, N.J.A.C. 5:70-1.1 *et seq.*, as may be amended from time to time, shall be powered by an alternating current (AC) constantly active electric current which cannot be deactivated by the operation of any interconnected switching device. All detectors shall meet the requirements of Underwriters Laboratories 217, and shall not be interconnected with a system of smoke detectors serving any common areas and shall be installed in accordance with the Uniform Construction Code.
- (2) Dwelling unit doors: Dwelling unit, guest room or rooming unit corridor doors in buildings of use groups R-1, R-2, and I-1, as defined in the New Jersey Uniform Fire Code, shall be at least one and three eighths inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wired glass in metal frames. Replacement doors shall be one and three fourths inch solid core wood or approved equal, unless existing frame will accommodate only a one and three eighths inch door. All replacement doors shall be installed in accordance with the Uniform Construction Code.
- (3) Party walls (defined as walls separating dwelling units from one another and/or from a common area) shall be kept free of unsealed or improperly sealed penetrations and shall be inspected every year from foundation to roof deck by a licensed home inspector or other licensed professional qualified to inspect party walls and/or fire walls to ensure that any penetrations into said walls have been sealed in accordance with applicable code requirements. A certification demonstrating compliance with this section shall be provided at the time of the Bureau of Fire Safety's scheduled inspection of the premises. The certification shall state that a visual review of all party walls was conducted, from foundation to

roof deck, and no penetrations were found that were not properly sealed in accordance with applicable code requirements or, if any unsealed or improperly sealed penetrations were discovered, same were repaired and reinspected on \_date or will be repaired and reinspected within such period as shall be determined by the Bureau of Fire Safety.

Sec. 14-14 through 14-19. Reserved.