

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2023-20

Title: **AN ORDINANCE AMENDING CHAPTER 340, FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER IN ORDER TO ELIMINATE REFERENCE TO THE BOCA BASIC FIRE PREVENTION CODE AND TO REPLACE SAME WITH THE STATE OF NEW JERSEY UNIFORM FIRE CODE**

**WHEREAS**, Chapter 340, Fire Prevention, of the Code of the Township of Lower sets forth and establishes minimum fire safety standards throughout the Township of Lower; and

**WHEREAS**, the Township of Lower previously adopted the BOCA Basic Fire Prevention Code and incorporated same, by reference, within Chapter 340 of the code of the Township of Lower thereby establishing minimum fire safety standards throughout the Township thereby improving the safety of the public by promoting the control of fire hazards; and

**WHEREAS**, subsequent to the adoption of the BOCA Basic Fire Prevention Code, the State of New Jersey has transitioned to the New Jersey Uniform Fire Code; and

**WHEREAS**, in an effort to ensure consistency with applicable state regulations pertaining to fire safety, the Township Council of the Township of Lower recognizes a need to revise Chapter 340, Fire Prevention, in order to reference and incorporate the State of New Jersey's current fire prevention code.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

**Section 1.** Chapter 340, Article I, BOCA Basic Fire Prevention Code, Subsections 1 - 5, are hereby repealed and replaced with:

**340-1 Adoption of Code.**

The New Jersey Uniform Fire Code, N.J.A.C. 5:70, 5:71, 5:72, 5:73 and 5:75 et seq., and all amendments and supplements thereto, is hereby adopted by the Township of Lower for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the Township of Lower as mandated by the State of New Jersey, so as to improve the safety of the public by promoting the control of fire hazards. The standards, rules and regulations set forth in the code shall be and the same are hereby incorporated in this chapter, three copies of which have been and are now on file in the office of the Fire Bureau. The Township of Lower shall recognize and hereby adopt the standards of the National Fire Protection Association Code and supplements and amendments thereto, which the Bureau of Fire Safety may refer to in the enforcement of this chapter. The above-referenced codes are incorporated herein by reference as if set forth at length.

**340-2 Enforcement Authority.**

The enforcement authority for the Township of Lower, as specified in the Uniform Fire Safety Act (P.L. 1983, c. 383: N.J.S.A.52:27D-203), and as such code is hereinafter amended and supplemented, shall be as follows:

- A. The Board of Fire Commissioners shall select and appoint certain personnel from each fire district whose names will be promulgated and registered with the Clerk of the Township of Lower for each calendar year.
- B. These duly authorized representatives from each fire district will have the responsibility of enforcing the provisions of the Fire Safety Act within that fire district for the calendar year.
- C. This chapter shall be enforced by the Joint Board of Fire Commissioners of the Township of Lower, County of Cape May and State of New Jersey, which shall be known for the purposes of the Act as the Bureau of Fire Safety. A Bureau of Fire Safety shall herein be established within the Joint board to enforce the Uniform Fire Safety Act and the codes and



regulations adopted under it in all buildings, structures and premises within the Township of Lower, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Code. In addition, the Bureau of Fire Safety shall be charged with the duties of enforcement of such other ordinances and rules and regulations that pertain to fire prevention and control. The Bureau of Fire Safety shall carry out the periodic inspection of life-hazard uses required by the Uniform Fire Code.

**340-3 Determination of Fees.**

The Township of Lower fire prevention officials designated in 340-2 above shall, in consultation with the Township Fire Official and with the advice and consent of the Township Council, promulgate the amount or amounts of all fees permitted under said Uniform Fire Code deemed necessary by them.

**340-4 Copies of Standards on File.**

Three copies of the Uniform Fire Code shall remain on file in the Township of Lower Bureau of Fire Safety office.

**340-5 Incorporation of Future Revisions to Standards.**

If any future revision of the Uniform Fire Code is unacceptable to the Township Council, the Township Council shall specifically revoke the provisions of this article that incorporate those revisions automatically or else said revisions shall upon their lawful passage be incorporated in the terms of this article, in accordance with 340-1.

**Section 2. Chapter 340, Article II, Uniform Fire Safety Code, Subsection 13, Additional Required Inspections and Fees,** is hereby repealed and replaced with:

**340-13 Additional Required Inspection and Fees.**

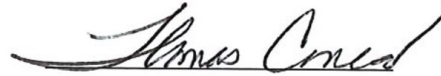
- A. In addition to the inspections and fees required pursuant to the Fire Safety Act and the regulations of the Department of Community Affairs, the following additional inspections, and fees for those uses not defined as life-hazard uses shall be required. The following buildings, uses and premises contained in this section, other than those that are incidental or auxiliary to the agricultural use of farm property, are subject to registration and periodic inspection requirements as hereby established. Where two or more of the same use or different uses exist at the same building or premises, each one shall be considered as a separate and distinct for the purpose of this section and shall be registered pursuant thereto.
- B. Uses
  - (1) Business use as defined in the latest edition of the NJ Uniform Fire Code, where there is a single tenant.
  - (2) If there is a business use as defined above, where there is more than one tenant, same would result in the use of the schedule hereinafter noted, with the sole exception that an additional fee of \$20.00 per tenant would be charged in each instance.
  - (3) Where the building or structure has more than one use which may include a business use as defined above, then each individual use shall be subject to the appropriate fee as set forth in this section.
  - (4) Mercantile uses as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.
  - (5) Storage buildings as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule herein noted.

- (6) Factory and industrial uses as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.
- (7) Residential use groups as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.
- (8) Uses not classified above will be classified as business uses.
- (9) Where more than one additional use exists under the ownership at a given location, the highest use shall be registered at full fee and subsequent use at ¾ of the scheduled fee.

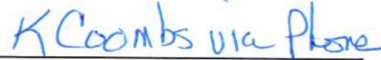
**Section 3.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 4.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

**Section 5.** This Ordinance shall become effective 20 days after final passage and publication according to law.



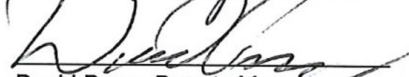
Thomas Conrad, Councilmember



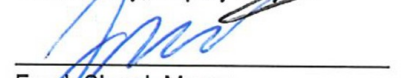
Kevin Coombs, Councilmember



Roland Roy, Jr., Councilmember




David Perry, Deputy Mayor



Frank Sippel, Mayor

First Reading: October 2, 2023

Adopted: *November 6, 2023*

Attest: 

Julie A Picard, Township Clerk





## **BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER**

**Lower Township Public Safety Building  
1389 Langley Road  
Cape May Airport  
Erma, NJ 08204  
Phone: (609) 889-0404  
Fax: (609) 889-8876**

**Mailing Address:  
407 Breakwater Road  
Rio Grande, NJ 08242  
LTBFS@COMCAST.NET**

### **THE BUREAU OF FIRE SAFETY**

**IN THE TOWNSHIP OF LOWER, COUNTY OF CAPE MAY**

#### **Resolution # 23-04**

**Amending Ordinance #2018-02: "AN ORDINANCE AMENDING CHAPTER 340, FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER IN ORDER TO ELIMINATE REFERENCE TO THE BOCA BASIC FIRE PREVENTION CODE AND TO REPLACE SAME WITH THE STATE OF NEW JERSEY UNIFORM FIRE CODE.**

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**WHEREAS**, the Township of Lower previously adopted BOCA Basic Fire Prevention Code and incorporated same, by reference, within Chapter 340 of the code of the Township of Lower thereby establishing minimum fire safety standards throughout the Township thereby improving the safety of the public by promoting the control of fire hazards; and

**WHEREAS**, subsequent to the adoption of the BOCA Basic Fire Prevention Code, the State of New Jersey has transitioned to the New Jersey Uniform Fire Code; and

**WHEREAS**, in an effort to ensure consistency with applicable state regulations pertaining to fire safety, the Township Council of the Township of Lower recognizes a need to revise Chapter 340, Fire Prevention, in order to reference and incorporate the State of New Jersey as follows;

### 340-1 Adoption of Code

The New Jersey Uniform Fire Code, N.J.A.C. 5:70, 5:71, 5:72, 5:73 and 5:75 et seq., and all amendments and supplements thereto, is hereby adopted by the Township for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the Township as mandated by the State of New Jersey, so as to improve the safety of the public by promoting the control of fire hazards. The standards, rules and regulations set forth in the code shall be and the same are hereby incorporated in this chapter, three copies of which have been and are now on file in the office of the Fire Bureau. The Township shall recognize and hereby adopt the standards of the National Fire Protection Association Code and supplements and amendments thereto, which the Bureau of Fire Safety may refer to in the enforcement of this chapter. The above-referenced codes are incorporated herein as if set forth at length.

### 340-2 Enforcement authority

The enforcement authority for the Township, as specified in the Uniform Fire Safety Act (P.L. 1983, c. 383: N.J.S.A.52:27D-203), and as such code is hereinafter amended and supplemented, shall be as follows:

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- B. These duly authorized representatives from each fire district will have the responsibility of enforcing the provisions of the Fire Safety Act within that fire district for the calendar year.
- C. This chapter shall be enforced by the Joint Board of Fire Commissioners of the Township of Lower, County of Cape May and State of New Jersey, which shall be known for the purposes of the Act as the Bureau of Fire Safety. A Bureau of Fire Safety shall herein be established within the Joint board to enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the Township of Lower, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Code. In addition, the Bureau of Fire Safety shall be charged with the duties of enforcement of such other ordinances and rules and regulations that pertain to fire prevention and control. The Bureau of Fire Safety shall carry out the periodic inspection of life-hazard uses required by the Uniform Fire Code.

### 340-3 Determination of fees

The Township fire prevention officials designated in 340-2 above shall, in consultation with the Township Fire Official and with the advice and consent of the Township Committee, promulgate the amount or amounts of all fees permitted under said Uniform Fire Code deemed necessary by them.

### 340-4 Copies of standards on file

Three copies of the Uniform Fire Code shall remain on file in the Bureau of Fire Safety office.



### 340-5 Incorporation of future revisions to standards

If any future revision of the Uniform Fire Code is unacceptable to the Township Committee, the Township Committee shall specifically revoke the provisions of this article that incorporate those revisions automatically or else said revisions shall upon their lawful passage be incorporated in the terms of this article, in accordance with 340-1.

### 340-13 Additional required inspections and fees

- A. In addition to the inspections and fees required pursuant to the Fire Safety Act and the regulations of the Department of Community Affairs, the following additional inspections, and fees for those uses not defined as life-hazard uses shall be required. The following buildings, uses and premises contained in this section, other than those that are incidental or auxiliary to the agricultural use of farm property, are subject to registration and periodic inspection requirements as hereby established. Where two or more of the same use or different uses exist at the same building or premises, each one shall be considered as a separate and distinct for the purpose of this section and shall be registered pursuant thereto.
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  - (5) Storage buildings as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule herein noted.
  - (6) Factory and industrial uses as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.
  - (7) Residential use groups as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.
  - (8) Uses not classified above will be classified as business uses
  - (9) Where more than one additional use exists under the ownership at a given location, the highest use shall be registered at full fee and subsequent use at  $\frac{3}{4}$  of the scheduled fee.

**CERTIFICATION**

I, Shelby Rambo, secretary of the Bureau of Fire Safety, in the Township of Lower, in the County of Cape May, hereby certify that the foregoing resolution was duly adopted by the Bureau of Fire Safety at a meeting held on September 27, 2023.

Shelby Rambo  
Secretary

This resolution was introduced by Commissioner Mornick and it was seconded by Commissioner Robertson.

**RECORD OF VOTE:**

Mornick:	<input checked="" type="checkbox"/>	YES;	<input type="checkbox"/>	NO;	<input type="checkbox"/>	NOT VOTING;	<input type="checkbox"/>	ABSENT.
CONLEY:	<input checked="" type="checkbox"/>	YES;	<input type="checkbox"/>	NO;	<input type="checkbox"/>	NOT VOTING;	<input type="checkbox"/>	ABSENT.
ROBERTSON:	<input checked="" type="checkbox"/>	YES;	<input type="checkbox"/>	NO;	<input type="checkbox"/>	NOT VOTING;	<input type="checkbox"/>	ABSENT.