

Chapter 122

FIRE PREVENTION

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[HISTORY: Adopted by the Mayor and Council of the Borough of Butler as indicated in article histories as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

[Fire Department — See Ch. 21.](#)

[Uniform construction codes — See Ch. 101.](#)

[Explosives — See Ch. 117.](#)

[Housing standards — See Ch. 136.](#)

[Fire insurance claims — See Ch. 139, Art. I.](#)

ARTICLE I
General Standards
[Adopted 11-11-1980 by Ord. No. 80-20]

§ 122-1. Adoption of standards.

There is hereby adopted by the Mayor and Borough Council of the Borough of Butler, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the "BOCA Basic Fire Prevention Code/1978 (Fourth Edition)," and the whole thereof save and except such portions as are hereinafter deleted, modified or amended by this Article, of which code not less than three copies have been and are now filed in the office of the Borough Clerk, and the same are hereby adopted and incorporated as fully as if set forth at length herein, and from December 1, 1980, the provisions thereof shall be controlling within the limits of the Borough of Butler.

§ 122-2. Definitions.

Whenever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the Borough of Butler.

§ 122-3. Bureau of Fire Prevention.

- A. Establishment of enforcing agency. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the Borough, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- B. Membership; term.
- (1) The Bureau of Fire Prevention shall consist of the Chief of the Fire Department, all Assistant Chiefs and one member from each of the four fire companies. The Chief of the Fire Department shall appoint a member of the Bureau of Fire Prevention to be Chief of the Bureau of Fire Prevention for a two-year term, whose term shall continue during good behavior and satisfactory service, and he shall not be removed from office, except for cause after public trial.
- (2) The Chief of the Fire Prevention Bureau may detail such members of the Fire Department as inspectors as shall from time to time be necessary.
- C. Powers; modification of provisions. The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code, upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

- D. Appeals. Whenever the Chief of the Bureau of Fire Prevention shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent or meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Bureau of Fire Prevention to the Board of Appeals, which Board shall be composed of five members, which members shall be either former Chiefs or former Assistant Chiefs of the Butler Fire Department appointed by the Mayor and Borough Council of the Borough of Butler for a term of three years. The terms of the members first appointed, however, under this Act, shall be staggered so that two members of the Board of Appeals shall be appointed for one year, two members of the Board of Appeals for two years and one member of the Board of Appeals for three years.

§ 122-4. Permit fee; expiration date. [Amended 6-19-2012 by Ord. No. 2012-12]

All permits required by the Fire Prevention Code shall be valid for a one year period and shall be renewable on or before July 1 of each year in the following amounts:

(a)	Type 1	\$54.00
(b)	Type 2	\$214.00
(c)	Type 3	\$427.00
(d)	Type 4	\$641.00
(e)	Type 5	\$1,380.00

§ 122-5. Certificate of occupancy.

Before a certificate of occupancy may be issued by the proper governmental agency, the Fire Department shall be notified by application for approval for any change in use or occupancy of existing business, mercantile or industrial establishment for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code and of any other ordinance affecting the fire hazard.

§ 122-6. Modifications and amendments to code.

- A. Appendix B of the BOCA Basic Fire Prevention Code/1978 is hereby amended to provide for the utilization under the category entitled, "Accepted Engineering Practice Standards, General" the National Fire Codes NFIPA 80 rather than NFIPA 77.

- B. The following additions and supplements are hereby made to the BOCA Basic Fire Prevention Code/1978 as adopted by the Borough of Butler by way of Ordinance No. 80-20: **[Added 4-21-1981 by Ord. No. 81-7]**

- (1) Section F-105.1, General, is amended to add the following:

Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

- (3) Section F-104.3, Fee, is added as follows:

F-104.3 Fee: The fee for an application for an appeal shall be \$25.

§ 122-7. Violations and penalties. [Amended 6-7-1982 by Ord. No. 82-5; 6-13-1989 by Ord. No. 20-89; 4-18-2006 by Ord. No. 2006-7]

Any person, firm, or corporation violating any of the provisions of this article shall be subject to such penalties as are provided for in Chapter 230, Violations and Penalties, of the Code of the Borough of Butler.

ARTICLE II
Enforcement of Uniform Fire Safety Code
[Adopted 8-20-1985 by Ord. No. 85-11]

§ 122-8. Local enforcement. [Amended 8-16-1988 by Ord. No. 23-88]

Pursuant to Section 11 of Uniform Fire Safety Act (P.L. 1983, c. 383),¹ the New Jersey Uniform Fire Code shall be locally enforced in the municipality of the Borough of Butler.

§ 122-9. Designation of enforcing agency.

The local enforcing agency shall be the Bureau of Fire Prevention within the Fire Department of the Borough of Butler.

§ 122-10. Duties of enforcing agency.

The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Butler, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 122-10.1. Parking violation enforcement. [Added 1-4-1989 by Ord. No. 1-89]

A. The local enforcing agency and its members are hereby authorized and empowered with the ability to issue summonses and penalties to any individual who violates any laws, ordinances, rules or regulations promulgated pursuant to the New Jersey Uniform Fire Code regarding fire zones and the illegal parking of automobiles or other obstacles or obstructions therein.

B. Said agency shall also be empowered with the ability to issue citations for the violation of any municipal ordinance pertaining to fire prevention.

C. The issuance of any summons or citation by said agency shall be treated in the same manner as if issued by the Police Department.

§ 122-11. Inspection of life hazard uses.

The local enforcing agency established by § 122-9 of this Article shall carry out periodic inspections of life hazard uses required by the Uniform Code on behalf of the Commissioner of Community Affairs.

1. Editor's Note: See N.J.S.A. 52:27D-202.

§ 122-12. Supervision and control of enforcing agency.

The local enforcing agency established by § 122-9 of this Article shall be a part of the Fire Department of the Borough of Butler and shall be under the direct supervision and control of the Fire Official, who will supervise the activities of the agency.

§ 122-13. Fire Official. [Amended 6-3-1986 by Ord. No. 11-86]

The Fire Chief shall recommend to the Borough Council an appointment for the position of Fire Official. The Fire Official shall be selected by the Borough Council and shall serve at the pleasure of the Borough Council. The Fire Official must be certified to perform the functions of a Fire Official pursuant to Subchapter 4 of Chapter 18A of Title 5 of the New Jersey Administrative Code.

§ 122-14. Inspectors and other employees.

- A. Appointment. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Borough Council of the Borough of Butler upon the recommendation of the Fire Official. Said inspectors shall be members of the Borough of Butler Volunteer Fire Department. They shall be entitled to only such benefits as approved by the Borough Council. They shall be under the direction of the Fire Official.
- B. Removal from office. Inspectors and other employees of the enforcing agency shall be subject to removal by the Borough of Butler for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

§ 122-15. Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act,² any person aggrieved by an order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of the Borough of Butler.

§ 122-16. Additional inspections and fees. [Amended 6-3-1986 by Ord. No. 11-86; 6-19-2012 by Ord. No. 2012-12]

The following yearly Registration/Inspection fees shall be required for all non-life-hazard uses: \$50.00 which shall be paid to the Borough of Butler on or before January 31 of each calendar year.

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

ARTICLE III
Rapid Entry Key Lock Boxes
[Adopted 3-20-2012 by Ord. No. 2012-1]

§ 122-17 Rapid Entry Key Lock Boxes Required.

- A. Rapid entry key lock boxes shall be required on the following buildings or structures. The owner and occupant shall purchase and install a lock box in an accessible location to be approved by the Fire Official:
- (1) Buildings where there is a need for forcible entry during hours in which the structure is unoccupied;
 - (2) Buildings equipped with a sprinkler system or other suppression system and/or an automatic alarm system;
 - (3) Buildings where there are exit areas that may not be visible from the exterior of the structure;
 - (4) All multiple dwelling buildings, which contain more than two (2) units, and which include any common area between the individual units, and which common area is locked from the outside of the building.
 - (5) All day care/nurseries and public and private schools.
 - (6) All municipal buildings
 - (7) All community clubhouses and recreation centers.
 - (8) All places of worship.
 - (9) When, in the opinion of the Fire Official, access to or within a building or structure subject to the Uniform Fire Code is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes.
- B. A building with twenty-four-hour security is exempt from the lock box requirement.
- C. The lock box shall be an approved type and shall be uniform within the Borough of Butler. Access to lock boxes shall be available only to authorized Fire Department personnel and only by the master key. For security of the lock box, a tamper alarm may be connected to the building's burglar alarm system.

D. The lock box shall contain the following items:

- (1) Updated keys necessary for access to all portions of the premises.
- (2) Keys to fire alarm control panels; keys necessary to service fire alarm control panels, and keys necessary to operate or service fire protection systems.
- (3) Electronic entry cards if used in the building.
- (4) Elevator control keys.
- (5) Emergency Contact Information to include:
 - a. Off hours Contacts
 - b. Alarm Company Contacts

E. A current emergency and hazardous chemical inventory list and a binder containing the Material Safety Data Sheets (MSDS) shall be available to first responders. The location of these items shall be identified in the lock box.

F. Any lock box required to be installed under this section or any preexisting lock box shall be maintained by the owner or occupant of the premises.

G. The Borough of Butler and the Bureau of Fire Prevention, their agents and employees shall not be liable for damages resulting from any break, failure or defect of any key box installed in accordance with this article, or any accident or injury resulting therefrom.

§ 122-18 Time for Compliance.

All existing buildings shall comply with the requirements of this section within one (1) year from the effective date of this ordinance. All newly constructed buildings, not yet occupied, or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy or continued certificate of occupancy shall comply with the requirements of this section immediately.

§ 122-19 Violations and Penalties.

Any responsible party in violation of any provision hereof shall receive written notice of violation(s) and shall be provided thirty (30) days to correct any violation(s) and come into compliance. Any responsible party, after receiving written notice by the Fire Official and failing to correct the violation within the thirty (30) day period, shall be subject to a fine of up to five hundred (\$500) dollars for each day of continued noncompliance following the end of the designated thirty (30) day period to correct any violation(s).

