

## ORDINANCE 2014-13

### AN ORDINANCE AMENDING ORDINANCE 95-36 ENTITLED REVISED GENERAL ORDINANCES TOWNSHIP OF CHERRY HILL

#### ARTICLE X, CHAPTER XVI ENTITLED FIRE PREVENTION

**WHEREAS**, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for enforcement of minimum fire safety standards throughout the State of New Jersey; and

**WHEREAS**, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards which have been a part of the Uniform Fire Code (N.J.A.C. 5:70-et seq.); and

**WHEREAS**, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcing agencies for that purposes; and

**WHEREAS**, it is in the best interest of the municipality of Cherry Hill Township to have the Uniform Fire Safety Act enforced locally, with the Fire District continuing forth in the administration and enforcement of the Uniform Fire Safety Code; and

**WHEREAS**, the Fire Prevention Chapter in the Municipal Code was last revised in 2008, the fees and technical amendments need to be updated to reflect the current requirements of the Township and the Fire District;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of Cherry Hill, County of Camden, in the State of New Jersey that Ordinance 95-36 entitled "Revised General Ordinances Township of Cherry Hill" Chapter XVI entitled "Fire Prevention" Section 16-1 entitled "Enforcement of the Uniform Fire Safety Act" be amended as follows:

#### **16-1 ENFORCEMENT OF THE UNIFORM FIRE SAFETY ACT: *\*(amended to read as follows)***

**16-1.1 Local Enforcement:** Pursuant to Section 11 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 enforced locally within the established limits of Fire District #13 within the Township of Cherry Hill.

**16-1.2 Agency Designation:** The local enforcing agency shall be the Fire Marshal's Office (hereinafter referred to as Fire Marshal or Fire Official), Cherry Hill Fire District #13, established for the entire geographical area of Cherry Hill Township. The Fire Marshal's Office/Cherry Hill Fire District #13 shall hereinafter be known as the "Local Enforcing Agency."

**16-1.3 Duties:** The local enforcing agency shall enforce the Uniform Fire Safety Act, the Uniform Fire Code and all Regulations adopted under it, in all buildings, structures and premises within the geographic boundaries of Cherry Hill Township other than one (1) and two (2) unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures and premises owned or operated by the Government, Interstate, State, and County agencies. The local enforcing agency shall faithfully comply with the requirements of the Uniform Fire Safety Act and Uniform Fire Code.

**16-1.4 Organization:** The local enforcing agency established in Section 2 of this Ordinance shall be part of the Fire District and shall be under the supervision of the Fire Marshal who shall report to the Fire Chief of the Fire District. Such funds as may be necessary to support the operations of the agency shall be raised by District #13 in a manner provided by law.

#### **16-1.5 Appointments, Terms of Office, Removal**

- a. *Appointment of the Fire Marshal:* The Fire Marshal shall be appointed by the Board of Fire Commissioners.
- b. *Terms of Office:* The terms of office for the Fire Marshal and the Fire

Inspectors/Investigators/Fire Prevention Specialists shall be set forth by the Board of Fire Commissioners.

- c. *Inspections/Investigators and Employees:* The Fire District shall appoint such Inspectors/Investigators/Fire Prevention Specialists as may be necessary to carry out all required inspection activity in the Fire District. Such inspectors shall be under the supervision and control of the Fire Marshal. All life hazard use inspectors shall be certified by the State.
- d. *Attorney:* Pursuant to N.J.A.C. 5:71-3.2 (d), the Fire District shall appoint an attorney as the designated local enforcing agency attorney.
- e. *Removal from Office:* The Fire Marshal and the Fire Inspectors/ Investigators/Fire Prevention Specialists and other employees of the enforcing agency shall be subject to removal by the Board of Fire Commissioners for inefficiency or misconduct. All employees to be removed shall be afforded an opportunity to be heard by the appointing authority or designated hearing officer.

#### **16-1.6 Board of Appeals**

Pursuit to N.J.S.A. 52:27D-206 and 208, of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of Camden County.

#### **16-1.7 Life Hazard Uses**

The local enforcing agency established by Section 2 of this Ordinance shall carry out 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.

#### **16-1.8 Fees**

##### **a. Non-Life Hazard Uses:**

- 1. In addition to the registration required by the Uniform Fire Code, the following non-life hazard uses shall register with the local enforcing agency. These uses shall be inspected on an annual (12 month) schedule established by the local enforcing agency and shall pay an annual fee as set forth below. No use required to register with the State of New Jersey as a life hazard use shall be required to register pursuant to this section.
- 2. The tenant/or/user/or/occupant of a tenant space will be responsible to register and pay the fee for the space that a tenant/or/occupant of the space actually occupies. All fees are based on the User Group assigned and the gross square footage of the area being registered.
- 3. In buildings that have common and/or public areas, the owner of the building is responsible to register and pay the fee, for those common and/or public areas.
- 4. For buildings designated as office use groups, the building owner will be responsible for payment of the registration fee. The fee will be based on the total square footage of the building.
- 5. All registrations will be for a period of one (1) year. Fees are not refundable.

##### **b. Business, Mercantile, Commercial, Factory, Industrial, Storage, Warehousing or Utilities**

- 1. All fees for this category shall be as set forth in the following table.
- 2. Exception: The fee shall be waived for all governmental agencies and tax exempt entities.

3. The following table outlines registration fees based on business use group:

LOCAL USE GROUP		FEE
B-1	Buildings 2,500 square feet and less	\$ 70.00
B-2	Buildings in excess of 2,500 square feet and not exceeding 5,000 square feet	\$140.00
B-3	Buildings in excess of 5,000 square feet and not exceeding 10,000 square feet	\$200.00
B-4	Buildings in excess of 10,000 square feet and not exceeding 15,000 square feet	\$400.00
B-5	Buildings in excess of 15,000 square feet and not exceeding 25,000 square feet	\$450.00
B-6	Buildings in excess of 25,000 square feet and not exceeding 50,000 square feet	\$550.00
B-7	Buildings in excess of 50,000 square feet and not exceeding 100,000 square feet	\$600.00
B-8	Buildings in excess of 100,000 square feet and not exceeding 200,000 square feet	\$650.00
B-9	Buildings in excess of 200,000 square feet and not exceeding 300,000 square feet	\$700.00
	Each additional 100,000 square feet	\$350.00

c. Residential Fees:

1. All fees for this category shall be as set forth in the following table.
2. The following table outlines registration fees based on residential use group.

LOCAL USE GROUP		FEE
R-1	Three (3) to five (5) units	\$ 50.00
R-2	Six (6) to Twenty-five (25) units	\$ 100.00
R-3	Twenty-six (26) to Fifty (50) units	\$ 200.00
R-4	Fifty-one (51) to One Hundred (100) units	\$ 600.00
R-5	Over One Hundred (100) units	\$1,000.00

d. Certificate of Smoke Alarm and Carbon Monoxide Alarm Compliance:

1. SACMC-1, smoke detector/carbon monoxide inspections requested on all one (1) and two (2) family dwellings within eight (8) calendar days of the settlement date: \$100.00
2. SACMC-2, smoke alarm/carbon monoxide inspections requested on all one (1) and two (2) family dwellings between four (4) and seven (7) calendar days' notice of the settlement date: \$115.00
3. SACMC-3, smoke alarm/carbon monoxide inspections requested on all one (1) and two (2) family dwellings within three (3) calendar days of the settlement date: \$162.00
4. Senior citizen discounts in the amount of a \$30.00 reduction in fees in paragraphs d.1. through 3. will be provided to any Cherry Hill Township senior citizen age 62 and older (proof of age required) selling their home:

5. The following table outlines fees for CSACMAC:

USER GROUP		FEE
	CSACMAC -1	\$100.00
	CSACMAC -2	\$115.00
	CSACMAC -3	\$162.00

6. The above fee for smoke alarm and carbon monoxide alarm compliance entitles the applicant to one (1) inspection and one (1) re-inspection. A third (3<sup>rd</sup>) visit requires a new application and new fee.
7. A certificate is valid for a period of ninety (90) days from the date of issuance.
8. A person needing an application and certificate must utilize the fire district's website to complete the application process and select a date for the inspection.
- e. Fire Incident/Investigation, EMS Reports:
1. A twenty-five dollar (\$25.00) administrative fee shall be charged to any entity requesting reproduction of a fire incident, fire investigative or EMS incident report, which is not a Public document under the New Jersey Open Public Records Act. \$25.00
  2. Exception: Any Cherry Hill Township resident or business owner will be entitled to reproductions of any of the above-referenced reports for incidents in which they are directly involved, at no cost.
- f. Certificate of Fire Code Status:
1. As per Section 5:70-2.2(e) (N.J.A.C. 5:70-2.2 (e)) of the Uniform Fire Code, any request for a Certificate of Fire Code status shall be: \$25.00
- g. Fire Hydrant Use Permit:
1. Any private company issued a permit and with the proper permission of the Water Utility Company or Commission shall be: \$100.00
- h. Permits:
1. As defined and required by the Uniform Fire Code, the fees for permits issued shall be set forth in the following table.
  2. The following table outlines the Permit Fee Schedule:

USER TYPE	FEE
Type 1	\$100.00
Type 2	\$400.00
Type 2 Propane Exchange	
720 pounds or less	\$166.00
721 pounds to 2,500 pounds	\$350.00
Type 3	\$600.00
Type 4	\$800.00

- i. Civil Court Appearance and Depositions:
1. Any employee or volunteer member of the Cherry Hill Fire District #13 subpoenaed to

testify in civil court or a deposition, shall appear and compensation to the Cherry Hill Fire District #13 shall be set forth as follows:

- a. Actual cost based on current collective bargaining agreements, plus any additional costs that may be required to backfill an employee's position if that employee is scheduled while on-duty. In addition, a per mile charge based on Federal Government rate plus tolls for distances exceeding twenty-five (25) miles. The Fire District will charge a seventy-five dollar (\$75.00) service charge for preparation of all invoices.

j. Investigative Conferences and Meetings:

1. An uninterrupted ninety (90) minute conference at the Cherry Hill Fire District Central Command, on-site, or at a location designated by the requestor shall be set as follows:

\$105.00 per hour

k. Exclusive Fire Safety Training:

1. Fire Safety Training that is requested for the purpose of compliance with a governmental regulation or is beyond the scope of Standard Fire Safety Training shall be classified as Exclusive Fire Safety Training. Such training would include, but not be limited to, fire extinguisher and evacuation planning: \$132.00 per hour (max twenty-five (25) students)

l. Fire Watch Coverage:

1. When requested or required to provide fire-watch coverage due to an emergency condition or requirement of a permit function, the cost of such service will be the current Fire Marshal or Fire Prevention Specialist's overtime pay rate, plus an additional administrative fee for the actual cost of the processed payroll.
2. Failure for property owner or designated property representative to establish or properly document a fire-watch when requested by the fire department will result in an assessed penalty not to exceed \$250.00 per day for every day the condition exists.

m. Fire Apparatus and Personnel:

1. When requested to provide fire apparatus and personnel for non-exigent circumstances, the requestor must reimburse the Fire District for the actual cost of the personnel for the time provided and \$150.00 per vehicle provided.

n. Flushing Fire Hydrants/Flow Testing:

1. If the Fire District is requested to flush fire hydrants or conduct a flow test other than what is normally conducted per Fire District policy directives: \$32.00 per hour

o. Returned Checks:

1. In the event the Fire District receives a returned check from a bank, a fee of \$40.00 will be assessed.

p. Cost of Suppression:

If the origin and cause of the fire results from a violation of the Uniform Fire Safety Act previously cited by the Fire Marshal's Office, the owner/occupant shall be responsible for the cost of the fire suppression.

q. Hazardous Materials, Cherry Hill Fire Department Cost Recovery Act is as follows:

1. Authority:

Cherry Hill Fire Department Haz-Mat is an agent of the Camden County Health Department.

This resolution is enacted pursuant to and consistent with the County Environmental Health Act, CEHA, N.J.S.A. 26:3A2 et. seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et. seq. The Water Pollution Control Act, N.J.S.A. 58:10A-1 et. seq. and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et. seq. and rules and regulations adopted.

2. Purpose:

The unauthorized and unpermitted discharge of a hazardous substance, air pollutant, or illegal disposal of solid waste within the confines of the Township of Cherry Hill, is prohibited. This also includes a suspected release of hazardous materials that after investigation is deemed a non-incident. This resolution establishes procedures for recovery of cost incurred by the Township of Cherry Hill and its agents in an emergency response action to unauthorized and unpermitted discharges and/or the prosecution of a violation of the Air Pollution Control Act.

3. Definitions:

The words and terms used in this ordinance shall have the following meaning:

- *Discharge* means an intentional or unintentional action or omission, unless pursuant and in compliance with conditions of a valid and effective State or Federal permit, resulting in the releasing, spilling, pumping, emitting, emptying, or dumping of a hazardous substance into the air, waters, or onto the land of the Township of Cherry Hill, or into the air or waters outside the Township of Cherry Hill, when damage may result to the lands, waters, or natural resources within the jurisdiction of the Township of Cherry Hill.
- *Emergency Response Action* means any action taken by the Cherry Hill Fire Department, its employees, agents or contractors in response to a discharge or threatened discharge or suspected discharge of a hazardous substance for the purpose of:
  - a. Investigating its cause source or effect;
  - b. Conducting or overseeing a remedial action;
  - c. Initiating any action to prevent or mitigate any risk or threat to public health, safety or welfare arising out of a discharge; and,
  - d. To prevent or mitigate any damage or injury to public or private property or natural resources.
- *Expendable items* means any items used to prevent, mitigate or contain the discharge or threatened discharge, which cannot be reused or replenished or replaced, without cost, after or employment in an emergency response action. Expendable items shall include, but are not limited to, chemical extinguishing agents, absorbent materials, sand, recovery drums, protective equipment and clothing, including such items as disposable chemical protective suits, gloves, boots and goggles.
- *Hazardous substance* means all substances included within the definition of "hazardous substances" under N.J.A.C. 7:1E-1.7 including all amendments and supplements thereto.
- *Municipality* means any of the incorporated municipalities within the County of Camden, including their employees, officers and officials.
- *Leak or leaking* means any escape of hazardous substance from the ordinary containers employed in the normal course of storage, transfer, processing or use, into a secondary container or diversion system or onto a surface from which it is cleaned-

up and removed prior to its escape into the air, water or lands of the State.

- *Owner or operator* means, with respect to a vessel or any person owning or operating or chartering by demise such vessel; with respect to any facility or vehicle, any person or owner operating such a facility or vehicle, whether by lease, contract or any other form of agreement; with respect to abandoned facilities or vehicles, the person who owned or operated the facility or vehicle immediately prior to such abandonment; the owner or operator at the time of the discharge.
- *Person* means any entity or natural person, included without limitation, any of the following: public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, interstate subdivisions or agents, the State of New Jersey and any of its political subdivisions or agents.
- *Responsible party* means a person who is in any way responsible for a discharge, including each owner and operator and any other person obligated by law to clean-up and remove contaminants.

4. Prohibition:

The discharge of a hazardous substance is prohibited except this prohibition shall not apply to discharges conducted in compliance with the conditions of a valid Federal or State permit or otherwise authorized by law.

5. Notification:

Any person who is in any way responsible for a discharge of a hazardous substance shall immediately notify the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:1E-5.3.

6. Liability:

Any person who is in any way responsible for the discharge of a hazardous substance or suspected substance is liable strictly, jointly and severally for all emergency response actions cost reasonably incurred by the Township of Cherry Hill, its agents, employees, contractors and any personal property damage incurred by the Township of Cherry Hill, its agents, employees and contractors.

7. Emergency Response:

Cherry Hill Fire Department may initiate and conduct an emergency response action in response to discharge or suspected discharge that has occurred, is occurring, or threatens to occur within the geographical boundaries of the Township of Cherry Hill, the County or State in accordance with the provisions of the interagency agreement between the New Jersey Department of Environmental Protection, the County of Camden as may be executed pursuant to N.J.S.A. 26:3A2 et. seq. and the County Environmental Health Act.

8. Cost Recovery:

- a. Cherry Hill Fire Department may recover all costs reasonably incurred by the Cherry Hill Fire Department, its employees, agents and contractors in connection with an emergency response action, including the straight and overtime costs of appropriately deployed emergency response personnel and the costs incurred by the Department in the recovery of these costs and the costs of expendable items and damaged, contaminated or lost items. In out-of-township emergency responses, the Department may use the FEMA, (Federal Emergency Management Act) Schedule of Equipment Rates to bill for equipment. All other reasonably incurred costs related to the emergency response action will also be recovered in

the out of township response.

- b. Whenever the Cherry Hill Fire Department seeks to recover costs pursuant to a. above, the Cherry Hill Fire Department shall send by certified mail and regular mail a demand letter to the responsible party or parties, which shall include:
  - i. The date and time of the discharge or emergency response;
  - ii. An invoice;
  - iii. A detailed narrative description of the costs incurred by the Cherry Hill Fire Department, its agents, employees, contractors, authorized political subdivisions or partners in responding to the discharge, if requested;
  - iv. A calculation sheet, including hours and personnel charged, salary rates, overhead rates and equipment or expendables if requested;
  - v. An explanation of the procedures to be followed to pay the costs demanded by invoice.

Payment shall be remitted within forty-five (45) days of receipt of the demand letter.

- c. Whenever the Cherry Hill Fire Department issues a demand letter to a responsible party and the responsible party fails to remit payment within forty-five (45) days as prescribed herein, the Cherry Hill Fire Department may bring action in a court of competent jurisdiction to recover the costs incurred in the emergency response action, reasonable litigation costs and interest on the outstanding amount due calculated from the forth-sixth (46<sup>th</sup>) day following the receipt of the demand letter to the date judgment is rendered at the interest rate set forth in the Rules Governing the Courts of New Jersey.

9. Litigation Costs:

The Cherry Hill Fire Department may initiate legal action in a court of competent jurisdiction for violations of the following: The Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et. seq. The Solid Waste Management Act, N.J.S.A. 13:1A-1 et. seq., The Water Pollution Control Act, N.J.S.A. 56:10 A-1 et. seq., and The Air Pollution Control Act N.J.S.A. 26:2C-1 et. seq. and all rules and regulations adopted thereunder. The Cherry Hill Fire Department may recover reasonable litigation costs, the cost of filing, personnel costs and inspections costs in response to legal action as noted in 9. Litigation Costs.

10. Repealer:

Any ordinance or portion thereof enacted by the County, any municipality, board of health or other public entity within the County of Camden that contains any subject matter governed by this ordinance, which is consistent with or which stands as an obstacle to the effective implementation of this ordinance shall be superseded by this ordinance and is hereby repealed and set aside.

**16-1.9 Collection of Fees**

a. Delinquent Fees:

1. All fees and registration forms must be returned to the Fire Marshal's Office within thirty (30) days of having been mailed to the User. Failure to respond within this thirty (30) day period will result in a default notice being sent by the Fire Marshal to the User. If the registration and fees are not returned within fifteen (15) days of the default notice having been mailed to the User, penalties will be imposed pursuant to the Uniform Fire Code. Failure to pay the registration fee or any penalties assessed shall result in a person being



liable for a further penalty upon conviction for non-payment or non-registration. The penalty upon conviction is \$50.00 for the first offense and \$100.00 each subsequent offense.

2. Collection of any unpaid fee or penalty shall be enforced through the Cherry Hill Township Municipal Court or a Court of competent jurisdiction.
- b. Authorization to Bill and Institute Litigation for Costs:
1. The Fire Chief or his/her designee is hereby authorized to bill and collect the costs due from any person responsible for said costs and, where necessary, to direct the Fire District Solicitor to institute litigation for the recovery of such costs.
    - i. No relief of responsibility for ownership transfer: No property owner shall be relieved of the responsibility for costs of fire suppression arising under circumstances present during his/her ownership solely by reason of the fact that he/she has transferred ownership of the property before or after the fire giving rise to the costs.
    - ii. Additional actions and remedies: The remedies provided in this article shall supplement any remedies available to the Fire District by State law, or are cumulative as other Township ordinances and shall not preclude the Fire District from taking any other action to recover costs associated with fire suppression services and the mitigation and removal of dangerous or hazardous conditions.

#### **16-1.10 Inspection Frequency**

a. Non-Life Hazard Use:

1. The following table will show inspection frequency based on use:

USER GROUP      INSPECTION FREQUENCY	
B-1 Through B-9	12 Months
R-1 Through R-3	12 Months
R-4 and R-5	6 Months

b. Life Hazard Uses:

1. Inspection frequency for Life Hazard Uses will be determined by the Uniform Fire Safety Act.

#### **16-1.11 Technical Amendments**

a. Fire Lanes:

1. No Motor vehicle shall otherwise obstruct or block a fire hydrant, fire department connection for a standpipe or sprinkler system, or a fire lane.
2. It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict the access to any fire hydrant or fire department connections that are located on public streets, private streets, and access lanes, or on private property.
3. Enforcement of this section will be according to the Uniform Fire Code regulations and by the Cherry Hill Township Police Department.
4. Cherry Hill Police Department Officers are hereby authorized to issue a Municipal summons for such offense as established in the Cherry Hill Municipal Ordinance 95-36, entitled Revised Ordinances Township of Cherry Hill, as amended.
5. Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this chapter, or any supplement thereto shall be liable to a fine not to exceed \$50.00 or imprisonment for a term not to exceed fifteen (15) days or both.

b. Street Obstruction:

1. A person or persons shall not erect, construct, place or maintain any speed bumps, speed humps, fences, gates, chains, bars, pipes, wood or metal horses, vehicles, or any other type of obstruction in or on any street within the boundaries of the municipality without prior approval from the Fire Marshal. The word "street" as used in this section shall mean roadway, accessible to the public for vehicular traffic, including but not limited to private street or access lanes, as well as all public streets and highways in the boundaries of the municipality.
2. Approval from the Fire Marshal shall be a variance from this ordinance and shall be documented as such.

c. Public Water Supply:

1. The location and distribution of fire hydrants to be placed upon public property as well as installation of water mains to assure adequate fire flow based on the hazard to be protected shall be determined by the project developer utilizing accepted engineering and industry standards. During the planning and zoning approval process, the Fire Marshal shall be provided with site plans indicating hydrant location, size and location of fire service water mains. The Fire Marshal and Fire Chief shall review and approve all submitted plans prior to the installation of any fire hydrant or fire service water distribution system. A fire hydrant shall not be placed into or removed from service until approved by the Fire Marshal, Fire Chief, and the Board of Fire Commissioners.
2. Fire Hydrant specifications are established for all new fire hydrants in the municipality as follows: Mueller, Model Number A-421, with three outlets, one 4-1/2" and two 2-1/2" all national standard thread. Public fire hydrants shall be painted chrome yellow and the bonnet top would be silver in color to indicate that the hydrant has NST thread. Private fire hydrants shall be painted red and the top bonnet silver in color.
3. Fire Hydrant Use Approval: A person or private concern shall not use or operate any fire hydrant unless a permit and approval for such is obtained from the Fire Marshal and the water company having jurisdiction.
4. Private Yard Systems Locations and Relocation: All new and existing shopping centers, apartment complexes, oil storage plants, lumber yards, educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution, shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Insurance Service Organization or the American Water Works standards and shall be connected to a water system in accordance with accepted engineering practices. The Fire Marshal and the Fire Chief shall review and approve the number and location of all fire hydrants. Private fire hydrants shall not be placed into or removed from service until approved.

d. Outdoor fire:

1. For the purposes of this ordinance, an approved outdoor fire shall be classified as any fire taking place on a residential property within Cherry Hill Township for the sole purpose of providing warmth or recreation and is contained within an approved device. Approved devices shall include commercially manufactured chimnea, outdoor fireplaces and fire pits with a total fuel area not exceeding three (3) feet in diameter and two (2) feet in height.
2. Fuel for outdoor fires shall be limited to seasoned fire wood, natural gas or propane.
3. Outdoor fires shall not be located within twenty (20) feet of any property line and fifteen (15) feet from any combustible structure. Combustible structures shall include: dwellings, garages, sheds, decks, and fences.
4. Outdoor fires shall be prohibited at any R-2 (NJAC 5:70-1.5) use group

5. Any outdoor fire not complying with 1-4 above is prohibited.
- e. Liquefied Petroleum Gases or Any Other Compressed Flammable Gases:
  1. Places of Assembly: Under no circumstances shall liquefied petroleum gases or any other compressed flammable gases be used in any public assembly, unless approved by the Fire Marshal
- f. Rapid Entry Key Boxes:
  1. Rapid entry key boxes required by Section 506.1 of the International Fire Code and by this ordinance shall be Knox-Box Rapid Entry System, keyed to CHFD specifications.
  2. Rapid Entry Key Box will be required on:
    - a. Multiple occupancy buildings equipped with a fire alarm and/or a fire suppression system.
    - b. Single occupancy building totaling 5,000 square feet or more in an area equipped with a fire alarm and/or fire suppression system.

Exception – one and two family dwellings
  3. Key Boxes shall contain:
    - a. Master key or access card for structure or complex (multiple occupancy excluded)
    - b. Access key for fire alarm or fire sprinkler control room
    - c. Access key for mechanical room
    - d. Elevator service keys equal to the number of elevators
  4. Access to key boxes shall only be available to authorized emergency personnel and only by the master key. A key inventory is conducted per Cherry Hill Fire Department Policy Directive #1209 once every three (3) months.
  5. Installation of a Rapid Entry Box will not relieve a building representative of responding to a location upon request of the fire department. Failure to respond in a reasonable manner upon the request of the fire department could result in a penalty assessment not to exceed \$150.00.
- g. Elevator Keys
  1. All elevator keys utilized for emergency operations of elevators within buildings and structures in the Township of Cherry Hill will have standardized operation keys as follows:
    - a. Phase I & II – Yale 3502

Building owners/occupants will have one (1) year from the date of inspection to comply with this requirement.
- h. Emergency Contacts:
  1. All business and multiple family buildings and complexes must post a list of the emergency contacts and service companies for use by emergency personnel.
- i. Responsible Party:
  1. Upon response to a fire alarm activation or emergency condition involving a multiple tenant residential property, a property that is closed for business or otherwise unoccupied, the Cherry Hill Fire Department will require the response of a responsible party to assume control of the involved property. Failure of a responsible party to immediately respond to the request may result in a penalty assessment to the property, not to exceed \$250 per occurrence.
- j. Snow Removal:
  1. It is the responsibility of the owner or occupant to have snow removed from their property in a manner which will not delay the response of emergency personnel. Removal of snow

shall not obstruct the following:

- a. Access to the parking lot, to the perimeter of any building, and any fire lanes or No Parking designated areas.
- b. All Fire Hydrants
- c. All means of egress and exit doors
- d. All fire protection systems and fire department water supply connections

k. Fire Department Connections:

1. General: All buildings equipped with fire department water supply connections shall be labeled and marked for ease of identification. The following guidelines will be utilized for the identification of all fire department connections. Any alternate method must be approved by the Fire Marshal and the Fire Chief.
  - a. A weather resistant sign shall be affixed to, adjacent to, or above the fire department connection. Specifications for the sign are as follows:
    - i. Sign to be white in color with contrasting lettering
    - ii. Minimum four (4) inch letters indicating F.D.C.
    - iii. Minimum two (2) inch letters indicating Sprinkler, Standpipe, or Sprinkler/Standpipe
    - iv. Partial Sprinkler System-two (2") inch letters indicating area protected
  - b. Interior standpipe connections within structures, in some cases, will require additional plain language on signs to identify location, particular system and supply location.

l. Stairway Markings:

1. Information Signs: A sign shall be provided at each floor landing in all interior exit stairways more than three (3) stories above grade, designating the floor level, the floor level above (at) the floor of discharge, the identification of the stairway and the availability of roof access from the stairway. Floor level characters shall be at least six (6) inches in height and characters of other information shall be at least 1-1/2" inches in height. Signage shall be located approximately five (5) feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions.

m. Storage or Parking of Internal Combustion Engine Vehicle or Equipment:

1. General: No person shall store, or park, or cause to store, or park, any internal combustion engine vehicle or equipment (including but not limited to: motorcycle, moped, dirt bike, lawnmower, debris blower, weed trimmer, snow blower, or any such equipment) within or on any apartment or multi-family dwelling unit, porch, balcony, covered patio, entrance, exit, common area, laundry room, basement, or mechanical room, or any other private area of an apartment or multi-family dwelling unit.
2. Exception: Approved storage areas designed and constructed with the required fire separation as required by the New Jersey Uniform Construction Code in effect at the time of the building's construction.

n. Commercial Property Identification of Rear Doors:

1. The rear exterior doors on multiple tenant commercial properties shall be identified with a minimum of four (4) inch letters of contrasting color stating the business name and the unit number. The signage shall be provided and maintained up-to-date by the Landlord at his/her expense. Names shall be updated as soon as occupancy changes.

o. Storage or Use of Liquid Petroleum Gas Containers

1. The operation, use, maintenance or storage of any liquefied petroleum gas (LP gas or LPG) containers with the capacity in excess of one (1) pound LPG, is prohibited in or on

any apartment or multi-family dwelling unit, porch, balcony, covered patio area, entrance, exits, or any other private area of an apartment or multi-family dwelling unit.

p. Insurance Reports:

1. All owners, lessees or tenants of any building or structure damaged by fire and subjected to assistance from the Fire Department shall report to the Fire Marshal's Office the name and address of the fire insurance carrier, the name and address of insurance agent on such policy, and the policy limits of coverage. This information shall be supplied to the Fire Marshal's Office within five (5) days of the date of the fire in question.

q. Certificate of Smoke Alarm and Carbon Monoxide Alarm Compliance:

1. All one (1) and two (2) and attached one (1) and two (2) family dwellings as defined in NJAC 5:10 1.5 within the Township of Cherry Hill shall have a least one (1) fully operable smoke alarm located within each sleeping area. All such residential sleeping areas enclosed by a door or otherwise shall, in addition have at least one (1) fully operable smoke alarm located outside each sleeping area within ten (10) feet of such sleeping area. Installation of the smoke alarms shall be in accordance with the manufacturer specifications and National Fire Protection Association.
2. In residences where hardwired smoke alarms were not required to be installed in sleeping areas by the Building Codes in effect at the time of construction, single station battery operated smoke alarms are acceptable.
3. Hardwired smoke alarms required by the Building Code in effect at the time of construction, cannot be replaced by battery powered smoke alarms as per NJAC 5:70 Subchapter 3.
4. In addition, smoke alarms and carbon monoxide detectors must have been manufactured within ten (10) years of the inspection.
5. Enforcement: The enforcement of this section shall be accomplished by the Fire Marshal's Office during annual fire inspections, upon receipt of complaints of lack of existing fully operable smoke alarms, at time of an inspection upon the sale of the property, or any time as may be authorized under the New Jersey Uniform Fire Code, Township Ordinances, or any other statute or ordinance

r. Fire Extinguishers, One and Two Family Dwellings:

1. All one (1) and two (1) family dwellings located within the Township of Cherry Hill, shall be provided with a minimum of one (1) operational portable fire extinguisher within the vicinity of the kitchen. The minimum rating of the extinguisher shall be 1A:10BC.
2. The enforcement of this requirement shall be accomplished by the Fire Marshal's Office at the time of inspection upon the sale of the property.

s. Health Care Occupancies:

1. In all Health Care Facilities, smoking shall be prohibited inside all buildings.
2. Any designated smoking area shall be located in an exterior environment on the premises.

**NOW BE IT FURTHER RESOLVED**, all ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies only; and this ordinance will replace the existing Chapter 16 of the Township's Municipal Code.

This ordinance shall take effect immediately upon successful passage.

**INTRODUCED:**

**ADOPTED:**

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*Council President – David Fleisher*

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*Mayor – Charles M. Cahn*

**ATTEST:**

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*Township Clerk – Nancy L. Saffos, RMC*