

# **FIRE PREVENTION**

## **Chapter 46**

### **FIRE PREVENTION**

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[HISTORY: Adopted by the Township Committee of the Township of Union (now Barnegat) 4-1-65. Amendments noted where applicable.]

**GENERAL REFERENCES**

General provisions — See Ch. 1.  
Police Department -- See Ch. 15.

Be it ordained by the Township Committee of the Township of Union (now Barnegat), in the County of Ocean and State of New Jersey:

**A R T I C L E   I**  
**General Provisions**

§ 46-1. Bureau of Fire Prevention established;  
designation of Fire Marshal.

A. A Bureau of Fire Prevention in the Township of Barnegat is hereby established, which shall be operated under the supervision of the Township Committee.

- B. The Township Committee shall designate a Fire Marshal, who shall hold this office at the pleasure of the Township Committee.**

**§ 46-2. Duty of Fire Marshal.**

- A. It shall be the duty of the Fire Marshal to enforce all laws and ordinances of the state, county and township covering the following:**
- (1) The prevention of fires;**
  - (2) The storage and use of explosives and flammables;**
  - (3) The installation and maintenance of fire alarm systems and fire extinguishing equipment and fire escapes;**
  - (4) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, churches, asylums, hospitals, halls, theaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose;**
  - (5) The investigation of the cause, origin and circumstances of fire.**
- B. He shall have such other powers and perform such other duties as are set forth in other sections of this ordinance and as may be conferred and imposed from time to time by law.**

**§ 46-3. Duty of Fire Marshal to recommend additional regulations.**

**It shall be the duty of the Fire Marshal to investigate and to recommend to the Township Committee such additional ordinances or amendments to existing ordinances as he may deem necessary for safeguarding life and property against fire.**

**(Cont'd on page 4603)**

**§ 46-4. Investigation of fires.**

The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the township by which property has been destroyed or damaged, and, so far as possible, shall determine whether the fire is the result of carelessness or design.

**§ 46-5. Periodic inspections; notices of fire hazards; service of orders to remove or remedy.**

- A. It shall be the duty of the Fire Marshal to inspect, as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the township affecting the fire hazard.
- B. Whenever the Fire Marshal shall find in any building or upon any premises or other place combustible or explosive matter or dangerous accumulations of rubbish or any highly flammable materials especially liable to fire and which is so situated as to endanger property, or shall find obstructions liable to interfere with the operations of the fire company or egress of occupants in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within forty-eight (48) hours to the Township Committee as provided in § 46-6 of this ordinance.

**C. Any owner or occupant failing to comply with such o within a reasonable period after the service of such order shall be liable to a penalty as hereinafter provided.**

D. The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and mailing a copy thereof by certified mail to such person at his last known address. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if such owner is absent from the jurisdiction of the Fire Marshal making the order, by mailing such copy to the owner's last known post office address.

**§ 46-6. Inspection upon complaints; orders to remedy or remove dangerous conditions; appeals; petitioning Court.**

A. The Fire Marshal shall, upon complaint of any person, inspect all buildings and premises within his jurisdiction, and whenever the Fire Marshal shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes or fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building, he shall order such dangerous conditions or materials to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or building

B. If such order is made by the Fire Marshal, such owner or occupant may, within forty-eight (48) hours, appeal to the Township Committee, who shall within five (5) days review such order and its decision thereon, and unless by its authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or decision of the Fire Marshal; provided, however, that any such owner or occupant may, within five (5) days after the making or affirming of any such order by the Fire Marshal, file his petition with the Municipal Court, praying a review of such order, and it shall be the duty of such Court to hear the same within not less than five (5) days nor more than ten (10) days from the time the petition is filed, and to make such order in the premises as right and justice may require, and such decision shall be final. Such parties so appealing to the Municipal Court shall file with said Court within four (4) days a bond in an amount fixed by the Court, to be approved by the Court, conditioned to pay all the costs of such appeal in case such appellant fails to sustain his appeal or the same to be dismissed for any cause.

**§ 46-7, Right to enter buildings or premises.**

The Fire Marshal may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this ordinance, he may deem necessary to be made.

**§ 46-8. Violations and penalties.**

Any person or persons, firm or corporation violating any of the provisions of this ordinance or neglecting to comply with any order issued pursuant to any section thereof shall be punished by a fine not to exceed five hundred dollars (\$500.) or be imprisoned for a term not to exceed ninety (90) days, or both.

**ARTICLE II**

**Uniform Fire Safety Act [Adopted [2-20-97 by Ord. No. 1996-71]**

**§ 46-9. Local enforcement**

Pursuant to section 11 of the Uniform Fire Safety Act, N.J.S.A. 52:27D-202, the New Jersey Uniform Fire Safety Code shall be enforced in the Township of Barnegat by the Ocean County Bureau of Fire Safety, and the Fire Marshal.

**§ 46-10. Agency designation.**

The local enforcing agency shall be the Ocean County Bureau of Fire Safety.

**§ 46-11 Duties.**

- A. Local enforcement agency.** The local enforcement 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 Township of Barnegat, 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.
- B. Fire Marshal.** The Fire Marshal shall conduct annual inspections as needed and provide educational programs addressing fire safety.

**§ 46-12. Life hazard uses.**

The local enforcing agency designated in Section 4640 of this Article shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

**§ 46-13. Organization.**

The local enforcing agency designated by Section 46-10 of this Article shall be under the supervision of the Ocean County Emergency Management Office.

**§ 46-14. Appointments, term of office, removal.**

- A. **Appointment.** The local enforcement agency shall include a Fire Marshal who shall be appointed by the Mayor and Committee.
- B. **Term of office.** The appointment of the Fire Marshal shall continue during good behavior and satisfactory service.
- C. **Inspectors and employees.** Each Fire Department may appoint such inspectors as may be necessary to carry out all required inspection activity in the township. Such inspectors shall be under the supervision and control of the Fire Marshal.
- D. **Removal.** Inspectors and other employees of the enforcing agency or the Fire Marshal shall be subject to removal by the Township Committee for inefficiency and 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.

**§ 46-15. Board of Appeals**

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Ocean County Construction Board of Appeals.

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§ 46-16. Additional required inspections and fees.

C. In addition to the inspection and fees required pursuant to the act and the regulation of the Department of Community Affairs, additional inspections and fees for those uses not defined as life hazard uses shall be required, as established by the Ocean County Bureau of Fire Safety.

§ 46-17. through 46-20. Reserved.

## ARTICLE II

### Junior Fireman's Auxiliary [Added 11-6-00 by Ord. No. 2000-48]

§ 46-21. Establishment.

There is hereby established for the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, a Junior Fireman's Auxiliary pursuant to N.J.S.A. 40A:14-98.

§ 46-22. Rules and regulations.

The rules and regulations for the Junior Fireman's Auxiliary shall provide for the training of the Auxiliary for eventual membership in the Volunteer Fire Department of Barnegat Township.

§ 46-23. Age limit.

No person shall be eligible for membership in the junior Fireman's Auxiliary who is less than fifteen (15) and no more than eighteen (18) years of age.

**§ 46-24. Activities of Junior Fireman.**

No Junior Fireman shall be required to perform duties or activities which would expose him to the same degree of hazard as a regular member of the Volunteer Fire Company and the rules and regulations for the Junior Fireman's Auxiliary shall specifically incorporate that regulation.