

ORDINANCE 136

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES, AND ALSO PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

Be It Ordained By the Board of Trustees of the Village of Loch Arbour, In the County of Monmouth and State of New Jersey, as Follows;

Section 1. Adoption of Fire Prevention code

There is hereby adopted by the Village of Loch Arbour for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 7 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the Village of Loch Arbour and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey.

Section 2. Establishment and Duties of Bureau of Fire Prevention

The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention, which is hereby established, and shall be operated under the supervision of the Building Inspector of the Village of Loch Arbour. In addition to the Building Inspector, who shall also be the Chief of the Bureau of Fire Prevention as defined in said code, the other members thereof shall be the Chief and Assistant Chiefs of the Volunteer Fire Companies and departments under contract with the Village for fire-fighting duties and such of their officers as shall be assigned thereto be resolution of the Board of Trustees of said Village. Said Building Inspector may also request that the said Board of Trustees employ and assign to him necessary technical inspectors. Further, each year, the head of the said Bureau shall report to the Board of Trustees in writing, all proceedings taken under this code, with such statistics as he deems pertinent and such recommendations or changes to the code, or otherwise which in his judgment, are desirable.

Section 3. Definitions

- a. Whenever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the Village of Loch Arbour.
- b. Whenever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the Village of Loch Arbour.
- c. Whenever the words "Chief of the Bureau of Fire Prevention" are used in the Fire Prevention Code, it shall be held to mean the Building Inspector of the Village of Loch Arbour, or whoever shall be designated in his place or stead by resolution or motion of the Board of Trustees of said Village.

Section 4. Storage of Explosives and Inflammable Liquids

The limits referred to in:

Section 12.5b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited; and,

Section 16.22a of the Fire Prevention Code, in which storage of flammable liquids in outside aboveground tanks is prohibited; and,

Section 16.61 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited; and,
Section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, shall be the corporate limits of the Village of Loch Arbour.

Section 5. Establishment of Motor Vehicle Route for Vehicles Transporting Explosives and Blasting Agents

The routes referred to in section 12.7m of the Fire Prevention Code for vehicles transporting explosives and blasting agents are hereby established as follows: Main Street only.

Section 6. Establishment of Motor Vehicle Routes for Vehicles Transporting Hazardous Chemicals or Other Dangerous Articles

The route referred to in Section 20.14 of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: Main Street only.

Section 7. Amendments Made in the Fire Prevention Code

The Fire Prevention Code is amended and changed in the following respects:

- (a) Permits. Notwithstanding any language in the within code to the contrary, any permit required by the provisions of this code shall be obtained in writing from the Village Clerk of the Village of Loch Arbour upon written approval thereof by the building inspector and the payment of a fee of five (\$5.00) dollars to said Village Clerk. Permits shall be for such period as the Building Inspector may specify, but not exceeding one year, and shall be kept on the premise designated therein and shall be subject to inspection by any fire or police officer. Before permits are issued, the Building Inspector shall cause to be made such inspections or tests as provided by the within code and report thereon to the Village Clerk.
- (b) Article 19. Garages. The following section shall be added to Article 19 of the within code:

“19.5. Definitions. As used in the within code, garage shall be defined as provided in the Building Code, and shall conform to all the requirements of the Building Code and Zoning Codes of the Village. No vacant lot, building, shed or enclosure, or any room or space having a floor area exceeding 500 Square feet in any building, shed or enclosure shall be used for storing, housing or keeping of any motor vehicles containing flammable liquid in the fuel tanks thereof, without a permit.
- (c) Article 16. Flammable and Combustible Liquids. The following section shall be added to Article 16 of the within code:

16.17. Above ground Storage and Tank Restrictions. The bulk storage of flammable liquids in outside aboveground tanks is hereafter prohibited in the congested mercantile and residential districts of the Village of Loch Arbour and upon land near streams or other ways which would carry burning liquid into congested districts,. Any outside aboveground tank, drum, storage or other container of more than 55 gallon size is prohibited in any portion, section or area of the Village of Loch Arbour.”
- (d) Section 28.1. Bonfires and Outdoor Rubbish Fires. Section 28.1 of the within code is deleted and the following language adopted in its stead:

“No person shall burn or cause to be burned any trash, rubbish, lumber, leaves, straw, refuse or any other combustible material, or kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any street, avenue, road, land, vacant lot, public grounds or upon any private lot, without a permit authorized by the Building Inspector and only under such safeguards as he may specify.”

Section 7. Modifications.

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.

Section 9. Appeals.

Whenever the Chief of the Bureau of Fire Prevention shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and 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 Trustees of the Village within 30 days from the date the decision appealed.

Section 10. New Materials, Processes or Occupancies which may Require Permits.

The Building Inspector and Chief of the Volunteer Fire department servicing for the Village shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code.

The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Section 11. Penalties.

- a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Trustees or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment. The imposition of one penalty for a violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 12. Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are repealed.

Section 13. Effective Date.

The within Ordinance shall become effective after its final passage and publication, as provided for by law.