

**ORDINANCE NO. 2020-27**

**TOWNSHIP OF HOLMDEL  
COUNTY OF MONMOUTH**

**ORDINANCE APPROVING REVISIONS TO CHAPTER 12, FIRE  
PROTECTION AND PREVENTION**

**WHEREAS**, the Township of Holmdel maintains Chapter 12 of its Revised General Ordinances, titled "Fire Protection and Prevention"; and

**WHEREAS**, the Township's Acting Director of Community Development has recommended various modifications to Chapter 12 to update the Township's standards and ensure that escrows secure the full costs for inspections performed.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey, as follows:

**SECTION 1. Chapter 12 of the Revised General Ordinances of the Township of Holmdel is hereby amended as follows:**

**§ 12-1. ENFORCEMENT OF THE UNIFORM FIRE SAFETY ACT.**

**§ 12-1.1. Adoption of Standards.**

There is hereby adopted by the Township of Holmdel for the purpose of prescribing regulations governing hazards to life or property from fire or explosion, a certain code known as the "ICC International Fire Code, 2006, as promulgated by the Commissioner of the Department of Community Affairs pursuant to authority of the "Uniform Fire Safety Act" (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq.) and the ICC International Building Code, New Jersey Edition, 2006 as promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of the "State Uniform Construction Code Act" (P.L. 1975, c.217, as amended)" except, such portions as are hereafter deleted, modified, changed or amended; and the same are hereby adopted and incorporated as fully as if set out at length herein; and the provisions thereof shall be controlling within the corporate limits of the Township of Holmdel. Pursuant to N.J.S. 40:49-5.1 et seq., the aforesaid codes, which are printed in book form, are adopted by reference thereto, and a copy of the printed codes, so plainly marked as to indicate deletions, modifications, changes, and amendments thereto as hereinafter shown, is annexed to this section and shall be a part of it as fully as if set forth herein at length. Three copies of the printed code have been placed on file in the office of the Township Clerk for the use and examination of the public so long as this section shall remain in effect.

**§ 12-1.2 to -1.5 [NO CHANGES]**

**§ 12-1.6. Permit Fees.**

- a. For the issuance of the permits described in N.J.A.C. 5:70-2.7, the following fees shall be collected:
  1. Type 1: ~~\$4~~ \$54.
  2. Type 2: ~~\$150~~ 214.
  3. Type 3: ~~\$300~~ 427.
  4. Type 4: ~~\$450~~ 641.
- b. Commercial storage facilities available to the general public on a "per unit" basis: \$10 per unit.

(This fee is in addition to the "square footage" fee required by subsection 12-1.7)
- c. For the issuance of a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance (CSDCMAC) per N.J.A.C. 5:70-2.3 the fee shall be based upon the amount of time remaining before the change of occupant is expected, as follows:
  1. Requests for a CSDCMAC received more than four business days prior to the change of occupant: ~~\$45~~{0}.
  2. Requests for a CSDCMAC received four business days or less prior to the change of occupant: ~~[\$8]~~90.
  3. Requests for a CSDCMAC received fewer than four business days prior to the change of occupant: \$161.
- d. For the registration and inspection of Emergency Electrical Generating System per subsection 12-1.9b: \$50.

**§ 12-1.7. Additional Required Inspection and Fees.**

In addition to the inspections and fees required pursuant to the Act and regulations of the Department of Community Affairs, the following annual inspections and fees shall be required:

- a. All businesses, whether within a structure or on open land, including service businesses and apartment house multiple dwellings, shall be inspected yearly annually. ~~with a fee schedule of: The annual inspection fee shall be as follows, with measurements based on the floor area, gross:~~
  1. ~~— \$50 for the first 1,000 square feet of area.~~
  2. ~~— \$11 for each additional 1,000 square feet of area.~~

~~gross the exterior of the building and shall include the total of all occupiable areas on all floors~~

~~Factories, assembly plants, wood working shops and other operations employing the use of machinery or processes and not registered as a life hazard use shall pay a minimum fee of \$85. Any second or additional buildings on the same property shall be a separate fee.~~

|                                   |  |
|-----------------------------------|--|
| <u>Under 500 square feet</u>      | <u>\$60.00</u>   |
| <u>501 to 1,000 square feet</u>   | <u>\$80.00</u>   |
| <u>1,001 to 2,499 square feet</u> | <u>\$90.00</u>   |
| <u>2,500 to 3,499 square feet</u> | <u>\$155.00</u>  |
| <u>3,500 to 4,999 square feet</u> | <u>\$160.00</u>  |
| <u>5,000 to 6,499 square feet</u> | <u>\$175.00</u>  |
| <u>6,500 to 7,499 square feet</u> | <u>\$185.00</u>  |
| <u>7,500 to 8,499 square feet</u> | <u>\$210.00</u>  |
| <u>8,500 to 9,999 square feet</u> | <u>\$225.00</u>  |
| <u>10,000 and above</u>           | <u>\$275.00 + \$30.00 for each additional 1,000 square feet, floor area, gross</u> |

b. Commercial Photovoltaic sites: \$200.00

c. An owner of a commercial multiple-occupancy building or complex, which requires a common area inspection or site inspection of common parking, fire suppression or fire detection systems, shall be registered as a landlord and shall pay an annual fee of \$200.00 for the largest building and \$75 for each additional building on the premises.

d. All fees shall be paid within thirty (30) days of the billing date.

§ 12-1.8 to -1.10 [NO CHANGES]

§ 12-1.11. **Violation and Penalties.**

a. ~~Any person or persons, firm, partnership or corporation violating any of the provisions of this section other than for violation of fire zone regulations as hereinafter set forth, shall be liable to the penalties and other relief set forth in N.J.A.C. 5:70-2.12 of the New Jersey State Uniform Fire Code and Section 1-5 of the Township of Holmdel Code.~~

b. Failure to pay the required annual non-life-hazard use registration fee(s) within the time frame indicated on a Notice of Violation will result in a penalty in the amount equal to double the fee(s) but not less than \$100.00. These penalties shall be in addition to any non-life-hazard use fee(s) due. Penalties must be paid within thirty (30) days after issuance of a Notice of Violation. If the total fee(s) and penalties are not paid within the thirty (30)

days, the matter will be referred to the Township Attorney for summary collection under the New Jersey Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

- c. False and nuisance alarms, as defined in §4-1.3, from any building, structure or premises more than three times in any consecutive three-month period shall subject the owner or owners of said building, structure or premises to a fine of not less than \$200 from the Bureau of Fire Prevention for each false alarm in excess thereof.

**§ 12-2. FIRE ZONES.**

**a. – f.** [NO CHANGES]

**g.** Prohibited Acts. No person shall at any time park a motor vehicle in, or otherwise obstruct in any way, any fire zone or fire lane established in accordance with the terms of this section. The Bureau or the Fire Official is empowered to ticket and remove any motor vehicle in or near such fire zones and fire lanes as may be necessary to ensure that such zones and lanes are free from obstruction and accessible to emergency vehicles.

**h. – i.** [NO CHANGES]

**§ 12-3 to 12-10** [NO CHANGES]

**§ 12-11. PROHIBITION OF SMOKING IN PUBLIC PLACES AND WORKPLACES.**

**§ 12-11.1. Definitions.**

When used in this section, the following words and phrases shall have the following meaning:

**BUSINESS** — Shall mean any sole proprietorship, partnership, joint venture, corporation or other business entities including retail establishments where goods and services are sold, as well as professional corporations, offices of health providers and other entities under which professional services are delivered.

**EMPLOYEE** — Shall mean a person who is employed by any employer for direct or indirect monetary wages or profits, including those employed full-time, part-time, temporarily, contracted or from a third-party. Employee also means any volunteer for a business or nonprofit entity.

**EMPLOYER** — Shall mean any person, business or nonprofit entity which employs the services of one or more persons.

**ENCLOSED** — Shall mean covered by a roof or enclosed by four or more connected floor to ceiling walls with appropriate openings for ingress and egress.

FLOOR AREA, GROSS. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

MALL — Shall mean any enclosed public walkway or hall area which serves to connect retail or professional establishments.

PLACE OF EMPLOYMENT — Shall mean any enclosed area under the control of an employer which employees frequent during the course of employment.

PUBLIC PLACE OR PUBLIC AREA — Shall mean any enclosed area to which the public is invited or to which the public is permitted.

SMOKING — Shall mean inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe, weed, plant or other combustible substances in any manner or any form.

WORK AREA OR WORKPLACE — Shall mean any area of a place of employment enclosed by floor to ceiling walls in which two or more employees are assigned to perform work for an employer.

§ 12-11.2 to -11.7 [NO CHANGES]

## **SECTION 2. Severability.**

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

## **SECTION 3. Repealer.**

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

## **SECTION 4. Effective Date.**

This ordinance shall take effect upon final adoption and publication in accordance with law.

## **LEGAL NOTICE**

*Publication by Summary Pursuant to N.J.S.A.40:49-2*

This Ordinance establishes modifications to Chapter 12, titled “Fire Protection and Prevention.”

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Holmdel held on November 24, 2020. It is scheduled to be considered for second reading and final passage at a regular meeting of the Township Committee to be held on December 8, 2020 at 7:30 PM, at which time persons desiring to be heard upon the same will be given the opportunity to be so heard. The meeting is scheduled to take place at the Holmdel Municipal Building located at 4 Crawfords Corner Road, Holmdel, New Jersey. Notwithstanding the foregoing, the Township of Holmdel reserves the right to conduct this meeting on an electronic basis, pursuant to P.L. 2020, c. 11, in which case login information will be provided at [www.holmdeltownship.com](http://www.holmdeltownship.com) and the public hearing will be conducted electronically while affording full public participation.

Gregory Buontempo, Mayor

Attest:  
Wendy L Patrovich, RMC/CMR  
Township Clerk