

TITLE XI FIRE PREVENTION CODE

Chapter Listings:

- Chapter 1. New Jersey Uniform Fire Safety Code Enforcing Agency, Amendments to Code
- Chapter 2. Portable Kerosene Heaters
- Chapter 3. Sale, Display and Discharge of Fireworks

CHAPTER 1 NEW JERSEY UNIFORM FIRE SAFETY CODE ENFORCING AGENCY, AMENDMENTS TO THE CODE^[1]

^[1]**Editor's Note:** This Title was previously adopted by Ordinance of 3-1-78 (R.O. 1966 C.S. 11A)

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

Whereas, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose; and

Whereas, it is in the best interest of the City of Newark that the Uniform Fire Safety Act be enforced locally; and

Whereas, the Division of Fire (formerly the Fire Department) of the City of Newark has agreed to the plan, which is set forth herein, for the administration and enforcement of the Uniform Fire Safety Code. (Ord. 6 S+FD, 8-7-85 Preamble; Ord. 6PSF-A(S), 1-7-16)

11:1-1. LOCAL ENFORCEMENT.

Pursuant to Section 11 of the Uniform Fire Safety Act, N.J.S. 52:27D-194, the New Jersey Uniform Fire Code shall be locally enforced in the City of Newark. (Ord. 6 S+FD, 8-7-85 § 11AA:1-1)

11:1-2. AGENCY DESIGNATION.

The local enforcing agency shall be the Bureau of Fire Prevention and Fire Safety Inspection in the Division of Fire of the City of Newark. (Ord. 6 S+FD, 8-7-85 § 11AA:1-2; Ord. 6PSF-A(S), 1-7-16)

11:1-3. DUTIES.

The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted pursuant thereto in buildings, structures and premises within the established boundaries of the City of Newark, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. (Ord. 6 S+FD, 8-7-85 § 11AA:1-3)

11:1-4. LIFE HAZARD USES.

The local enforcing agency shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Department of Community Affairs of the State of New Jersey. (Ord. 6 S+FD, 8-7-85 § 11AA:1-4)

11:1-5. ORGANIZATION.

The local enforcing agency shall be a part of the Department of Public Safety of the City of Newark and shall be under the supervision and control of the Director of the Department of Public Safety and Chief of the Division of Fire of the City of Newark. (Ord. 6 S+FD, 8-7-85 § 11AA:1-5; Ord. 6PSF-A(S), 1-7-16)

11:1-6. FIRE OFFICIAL; TERM OF OFFICE.

The local enforcing agency shall be under the direct supervision of a Fire Official who shall be the Officer in Charge of the Bureau of Fire Prevention and Fire Safety Inspection in the Division of Fire of the City of Newark. The Fire Official shall serve at the discretion of the Director of the Department of Public Safety. (Ord. 6 S+FD, 8-7-85 § 11AA:1-6; Ord. 6PSF-A(S), 1-7-16)

11:1-7. INSPECTORS AND EMPLOYEES.

Such inspectors and other employees as may be necessary for the local enforcing agency to properly fulfill its responsibility shall be assigned by the Director of the Division of Fire upon the recommendation of the Chief of the Division of Fire. (Ord. 6 S+FD, 8-7-85 § 11AA:1-7; Ord. 6PSF-A(S), 1-7-16)

11:1-8. BOARD OF APPEALS.

Pursuant to Sections 15 and Section 17 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 for the County of Essex. (Ord. 6 S+FD, 8-7-85 § 11AA:1-8)

11:1-9. PERMITS; INSPECTION FEES.

- a. All permits expire one (1) year from date of issue, unless otherwise stated. Permits are nontransferable. Any change in use or occupancy shall require a new permit.
- b. In addition to the inspection and fees required pursuant to the Uniform Fire Safety Act and the regulations of the Department of Community Affairs, the following permits and fees shall be required:
 - 1. Bowling establishments.
(Including storage of combustibles on premises.. \$170.00
 - 2. Calcium carbide
1 to 1,000 lbs..... \$100.00
Over 1,000 lbs..... \$300.00
 - 3. Combustible or flammable liquids, solvents, etc., for storage and resale

- Up to 660 gallons..... \$100.00
- 4. Drug and chemical establishments (including storage of combustibles on premises)
 - Drug stores (retail)..... \$75.00
 - Drug and chemical supply warehouse..... \$400.00
 - Drug and chemical manufacture..... \$400.00
- 5. Fats and oils (edible) up to 660 gals. Storage and use..... \$75.00
- 6. Storage of Combustible Materials
 - Ordinary combustibles in retail stores, mercantile stores, drug stores, storage facilities (warehouses), etc.
 - Up to 2,500 sq. ft..... \$50.00
 - 2,500 sq. ft. to 5,000 sq. ft \$100.00
 - 5,001 sq. ft. to 10,000 sq. ft. \$150.00
 - Over 10,001 sq. ft..... \$200.00
- 7. Parking stations and automobile sales site (open air)
 - Capacity: 1 to 25 cars or trucks \$75.00
 - Capacity: 25 to 100 cars or trucks \$100.00
 - Capacity: 101 to 200 cars or trucks \$150.00
 - Capacity: 201 to 225 cars or trucks \$200.00
 - Capacity: 226 to 300 cars or trucks \$250.00
 - Capacity: 301 or more cars or trucks \$300.00 plus an additional \$50.00 for each additional 100 cars or trucks beyond 300.
- 8. Portable, flammable and combustible liquid tanks (drums) up to 600 gallons.... \$50.00
- 9. Plastics (Vinyl chloride, polyurethane, acrylics, etc.)
 - Processing or manufacture or storage.
 - Up to 5,000 lbs..... \$100.00
 - Over 5,000 lbs..... \$300.00
- 10. (a) Mobile units utilizing liquefied petroleum gases in containers
 - (1) Mobile cooking units
 - a. Up to 85 lbs..... \$75.00
 - b. 85 lbs to 180 lbs.... \$150.00
 - (2) Tar Kettles (per kettle)
 - a. Up to 180 lbs..... \$150.00
 - b. 180 up to 280 lbs.... \$340.00
 - c. Over 300 lbs..... \$500.00
 - (b) Mobile units not utilizing liquefied petroleum gases used for cooking or heating of food, etc..... \$50.00
- 11. Storage or use of liquefied petroleum gases in containers
 - (a) 5 lbs. to 20 lbs..... \$50.00
 - (b) 20 lbs. to 100 lbs..... \$100.00
 - (c) 100 lbs. to 200 lbs..... \$150.00
 - (d) 200 lbs. to 300 lbs..... \$300.00
 - (e) over 300 lbs..... \$500.00
- 12. Storage of highly toxic materials
 - (a) up to 1 gallon or 4 liters of liquid..... \$100.00
 - (b) up to 1 lb. of solid (poisonous or toxic material)..... \$100.00
 - (c) over 1 gallon or 4 liters up to 10 gallons or 40 liters of liquid..... \$300.00
 - (d) over 1 lb. up to 10 lbs. of solid (poisonous or toxic material)..... \$300.00
 - (e) over 10 gallons or 40 liters of liquid..... \$500.00
 - (f) over 10 lbs. solid (poisonous or toxic material)..... \$500.00
- 13. Storage of poisonous gases in any amount..... \$500.00
- 14. Duplicate copy of photographs..... \$10.00
- 15. Duplicate copy of fire report \$10.00
- 16. Written verification of fire (for tax purposes, etc.).... \$5.00

17. Bonfires..... \$50.00
18. The use of a torch or flame-producing device to remove paint from or seal membrane roofs, on any building or structure..... \$50.00
19. Public assemblies with tents in any dimension larger than 5,000 sq. ft.
 - (a) Tent 5,000 sq. ft. to 10,000 sq. ft..... \$100.00
 - (b) Tents exceeding 10,000 sq. ft. in area..... \$200.00
20. Individual portable kiosks or displays when erected in a covered mall for a period of less than 90 days, using 25 percent or less of the common area \$170.00
21. The use of any open flame or flame producing device, in connection with any public gathering, for purposes of entertainment, amusement, or recreation in places of public assembly \$170.00
22. Welding or cutting operations except where the welding or cutting is performed in areas approved for welding by the Fire Official and is registered as Type B Life Hazard Use.... \$170.00
23. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194..... \$500.00
24. Helistops..... \$200.00
25. The occasional use in any buildings of a multipurpose room, with a maximum permitted occupancy of 100 or more for amusement, entertainment or mercantile type purposes... \$100.00
26. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials..... \$170.00
27. Fumigation or Thermal insecticide fogging..... \$170.00
28. Membrane covered, cable and air supported structures covering an area in excess of 120 square feet erected for a period of less than 90 days \$100.00
29. Carnivals and circuses..... \$500.00
Street fair..... \$500.00
Street festival..... \$170.00
30. The use of a covered mall in any of the following manners:
 - (a) Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than 25 percent of the common area of the mall..... \$170.00
 - (b) Temporarily using the mall as a place of assembly..... \$170.00
 - (c) Using open flame or flame devices..... \$170.00
 - (d) Displaying liquid or gas fueled powered equipment..... \$170.00
 - (e) Using liquefied

- petroleum gas, liquefied natural gas, and compressed flammable gas in containers exceeding 5 pound capacity..... \$170.00
- 31. Industrial processing ovens or furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400 degrees Fahrenheit which are heated with oil or gas fuel or which contain flammable vapors from the product being processed..... \$340.00
- 32. Wrecking yard or junk yard \$340.00
- 33. Storage or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas..... \$500.00
- 34. The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of non - flammable, nontoxic cryogenic liquids..... \$500.00
- 35. The storage, handling, and processing of flammable, combustible, and unstable liquids in containers and portable tanks as required by N.J.A.C. 5:70 subchapter 3..... \$500.00
- 36. To store or handle (except medicines, beverages, food-stuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices):
 - (a) More than 55 gallons of corrosive liquids..... \$500.00
 - (b) More than 500 pounds of oxidizing materials.. \$500.00
 - (c) More than 10 pounds of organic peroxides.... \$500.00
 - (d) More than 500 pounds of nitromethane..... \$500.00
 - (e) More than 1,000 pounds of ammonium nitrate... \$500.00
 - (f) More than one microcurie of radium not contained in a sealed source..... \$500.00
 - (g) More than one millicurie of radium or other radiation material in a sealed source or sources..... \$500.00
 - (h) Any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required..... \$500.00
 - (i) More than 10 pounds of flammable solids..... \$500.00
- 37. Any installation of liquefied petroleum gas or liquefied natural gas utilizing storage containers of over 2,000 gallons individual water capacity or with an

aggregate water capacity exceeding 4,000 gallons..... \$500.00

- 38. The melting, casting, heat treating, machining or grinding of more than 10 pounds of magnesium per working day..... \$500.00
- 39. Heliports..... \$500.00
- 40. Airports..... \$1,000.00
- 41. Fireworks..... \$500.00

The completed application shall be submitted (45 days prior to the event or a late filing charge shall be assessed as follows:

- (a) 31 to 44 days prior to the event..... \$50.00
- (b) 16 to 30 days prior to the event..... \$100.00
- (c) 10 to 15 days prior to the event \$150.00
- (d) Less than 10 days prior to the event..... \$250.00

The following shall be submitted with the application for a firework permit:

(1) Site plan.

(2) A surety in the form of certified check or money order payable to the Newark Division of Fire in the sum of (\$2,500.00) conditioned for payment of all damages to persons or property by reason of the display.

(3) Certification of insurance naming the City of Newark as co-insured stating that the insured shall indemnify the City of Newark and hold the City of Newark harmless in the amount of one million (\$1,000,000.00) dollars.

(4) A copy of the fireworks vendor's "Permit to Manufacture Explosives" and/or "Permit to Use Explosives."

This paragraph b, 41. is not intended to replace the requirements of Section 11:3-4 in case of any inconsistencies the requirements of Section 11:3-4 are controlling.

42. As per N.J.A.C. 5:70-2.7 upon request of the owner or bonafide purchaser of a building or structure, the Division of Fire shall issue a certificate of fire code status either enumerating the violations indicated by its records, or stating that its records indicate that no violations remain unabated and no penalties or fees remain unpaid. A purchaser of a property not having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all violations of record and shall be liable for the payment of all unpaid fees or penalties. The fee for the certificate of fire code status shall be fifty (\$50.00) dollars.

43. Storage of hazardous materials.

(a) An annual permit is hereby required for the handling or storage of any hazardous materials, as that term is defined by the United States Department of Transportation as may be amended from time to time.

(b) The annual fee for said permit shall be equal to the amount of the permittee's annual hazardous material on-site combined (aggregate) tank, drum, or other type of storage container, either stationary or mobile, at a rate equal to one-half (1/2) cent per gallon, pound or standard cubic foot, as appropriate for the type of hazardous material involved.

(c) The Director of Public Safety is charged with the administration of this provision, and is empowered to prescribe, adopt or promulgate and enforce rules and regulations relating to any matter pertaining to the administration of this provision.

(d) In the event of any inconsistency or conflict between the provisions of this Section 11:1-9.b.43 and the other provisions of Section 11:1-9, this Section 11:1-9.b.43 shall control.

c. Any premises that is registered as a life hazard use, in accordance with subchapter 2 of the New Jersey Uniform Fire Code, shall not require storage type permits. (Ord. 6 S+FD, 8-7-85; Ord. 6 S+FD, 12-14-88; Ord. 6 S+FF, 10-18-89; 11AA:1-9; Ord. 6 PSF-B 2-18-15; Ord. 6PSF-A(S), 1-7-16; Ord. 6 PSF-C, 10-5-16)

11:1-10. TECHNICAL AMENDMENTS TO THE NEW JERSEY UNIFORM FIRE CODE.

a. Sections F316.2.1, F-316.2.2 and F-316.2.3 of the New Jersey Uniform Fire Code are amended as follows:

F-316.2.1 Sales of Portable Kerosene Appliances: It shall be unlawful in the City of Newark for any person to offer for sale, expose for sale, sell, possess or use any portable gasoline, kerosene, or other portable gasoline, kerosene, or other portable appliances using liquid fuels for cooking or heating.

F-316.2.2 Sale of Fixed Kerosene Appliances: It shall be unlawful in the City of Newark to offer for sale, expose for sale, sell, possess or use any fixed kerosene or other liquid fuel burning stove or heater, or appliances, for cooking or heating purposes, unless one (1) such stove, heater or appliance has been listed by the Underwriters' Laboratories or is one of equal kind and structure approved by the Fire Director or his designee.

F-316.2.3 Containers for Kerosene: Containers for kerosene shall be either of a plastic or metal construction with fill and vent openings. The container shall be blue with white lettering. The word "kerosene" shall be displayed around the perimeter of the container.

b. Sections F-412.0, F-412.1 and F-412.2 are hereby added to the Fire Code as follows:

F-412.0 Residential Smoke Detectors.

F-412.1 General: All existing residential uses, as defined by the building code listed in Appendix A, shall be provided with a minimum of one approved smoke detector in the sleeping area, guest room or suite of a hotel, motel, lodging house, boarding house or residential dwelling unit. Each detector shall be installed in accordance with NFIPA 72E or NFIPA 74 listed in Appendix A. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

F-412.2 Tampering: Any tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code. (Ord. 6 S+FD, 8-7-85)

CHAPTER 2 PORTABLE KEROSENE HEATERS

11:2-1. SALES OF PORTABLE KEROSENE APPLIANCES.

It shall be unlawful in the City of Newark for any person to offer for sale, expose for sale, sell, possess or use in any structure or building portable gasoline, kerosene, or other portable appliances using liquid fuels for cooking or heating. (Ord. 6 S+FI, 3-20-91; Ord. 6 S+FB, 6-5-91)

11:2-2. SALE OF FIXED KEROSENE APPLIANCES.

It shall be unlawful in the City of Newark to offer for sale, expose for sale, sell, possess or use any fixed kerosene or other liquid fuel burning stove or heater, or appliances, for

cooking or heating purposes, unless such stove, heater or appliance has been listed by the Underwriters' Laboratories' Laboratory and structure approved by the Fire Director or his designee. (Ord. 6 S+FI, 3-20-91; Ord. 6 S+FB, 6-5-91)

11:2-3. PROHIBITED USE.

The use of portable kerosene or other fired heaters is prohibited in all residences, buildings and structures in the City of Newark. (Ord. 6 S+FI, 3-20-91; Ord. S+FB, 6-5-91)

11:2-4. CONTAINERS FOR KEROSENE.

Containers for kerosene shall be either of a plastic or metal construction with fill and vent openings. The container shall be blue with white lettering. The word "kerosene" shall be displayed around the perimeter of the container. (Ord. 6 S+FI, 3-20-91; Ord. S+FB, 6-5-91)

11:2-5. SEIZURE OF PORTABLE KEROSENE HEATERS.

The Fire Official shall seize, take, remove or cause to be removed at the expense of the owner all portable kerosene heaters offered or exposed for sale or display, stored or offered for sale or used in violation of the Uniform Fire Code and any ordinance amending the Fire Code. (Ord. 6 S+FI, 3-20-91; Ord. 6 S+FB, 6-5-91)

11:2-6. PENALTY.

Any person found to be in violation of this chapter shall be liable, upon conviction, to a penalty of not less than one hundred (\$100.00) dollars but not more than one thousand (\$1,000.00) dollars for each offense or to imprisonment for no more than sixty (60) days or a period of community service not to exceed sixty (60) days for each offense. (Ord. 6 S+FI, 3-20-91; Ord. 6 S+FB, 6-5-91)

CHAPTER 3 SALE, DISPLAY AND DISCHARGE OF FIREWORKS

11:3-1. DEFINITION.

Fireworks shall mean and include any combustible or explosive composition, or any substances, or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers or other devices of like construction and any device containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of .25 grain (16.2 mg) of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (Ord. 6 S+FX, 5-3-88 § 11AA:2-1)

11:3-2. SALE, POSSESSION OR USE PROHIBITED; EXCEPTION.

The sale, possession or use of fireworks shall be prohibited in the City of Newark in accordance with N.J.S.A. 21:3-2 except as provided herein by this chapter. (Ord. 6 S+FX, 5-3-88 § 11AA:2-2)

11:3-3. PERMIT REQUIRED; FEE.

A resolution authorizing a permit shall be obtained from the Municipal Council prior to the sale, display or discharge of any fireworks within the City of Newark. The fee for such permit shall be three hundred (\$300.00) dollars. (Ord. 6 S+FX, 5-3-88 § 11AA:2-3)

11:3-4. PERMIT APPLICATION REQUIREMENTS.

- a. An application for a permit may be obtained from the Chief of the Division of Fire and must be submitted to the Fire Official at least forty-five (45) days in advance of the date of the display or discharge of fireworks.
- b. All such applications for permits shall set forth the following.
 1. The date, time and place of making such display or discharge;
 2. The name, address, telephone number, I.D. or social security number of any person, making the display and/or in charge of igniting, firing, setting-off, exploding or causing to be exploded such fireworks;
 3. The experience of any person making the display and/or in charge of igniting, firing, setting-off, exploding or causing to be exploded such fireworks, including references;
 4. Whether any person making the display and/or in charge of igniting, firing, setting-off, exploding or causing to be exploded such fireworks, has ever been convicted of a crime, indicating the date and type of conviction; and
 5. A list of the fireworks to be displayed or discharged, and where same are to be stored prior to the display or discharge.
- c. The following shall be submitted with the application for the fireworks permit:
 1. A site plan of the display area with a plan of discharge which shows the set-up, discharge, disposal of unfired fireworks and emergency plan;
 2. The permit fee of three hundred (\$300.00) dollars payable to the City of Newark;
 3. A surety in the form of a bond or certified check payable to the City of Newark in the sum of two thousand five hundred (\$2,500.00) dollars, conditioned for the payment of all damages to persons or property by reason of the display and arising from any acts of the permittee, his agents, employees or subcontractors; and
 4. A certified true copy of the policy of insurance with an endorsement naming the City of Newark as a co-insured stating that the insured shall indemnify the City of Newark and hold the City of Newark harmless. The policy must be in an amount not less than five hundred thousand (\$500,000.00) dollars for each injury or claim and one million (\$1,000,000.00) dollars per occurrence. No aggregate policy of insurance, nor a policy of insurance containing a deductible attributable to the City of Newark will be accepted. (Ord. 6 S+FX, 5-3-88 § 11AA:2-4; Ord. 6PSF-A(S), 1-7-16)

11:3-5. CONDITIONS FOR ISSUANCE OF PERMIT.

The display and/or discharge of fireworks shall be handled by a competent operator approved by the Chief of the Division of Police and the Chief of the Division of Fire. Such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the Chief of the Division of Police and the Chief of the Division of Fire, after proper inspection, shall not be hazardous to property or endanger any person(s). The location of the storage place of the fireworks shall be subject to the approval of the Chief of the Division of Fire. Prior to the issuance of a permit, the application for same, including the Certificate of Insurance must be reviewed and approved by the Law Department of the City of Newark. The sale, possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. No permit issued hereunder shall be transferable. Upon issuance of the permit, the Division of Fire shall immediately notify the Division of Police of same. (Ord. 6 S+FX, 5-3-88 § 11AA:2-5; Ord. 6PSF-A(S), 1-7-16)

11:3-6. DISPOSAL OF UNFIRED FIREWORKS.

Unfired fireworks and trash remaining after the display or discharge is concluded shall be immediately disposed of in a safe manner approved by the Fire Official. (Ord. 6 S+FX,

11:3-7. SEIZURE OF FIREWORKS; PENALTIES.

The Fire Official shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale or display, stored or held in violation of this chapter. Any person violating any of the provisions of this chapter shall be subject to the same penalties as set forth in N.J.S. 21:3-8. (Ord. 6 S+FX, 5-3-88 § 11AA:2-7)

TITLE XI FIRE PREVENTION CODE

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