

ORDINANCE NO. 2022-11
BOROUGH OF LEONIA
COUNTY OF BERGEN

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 136 ENTITLED “FIRE PREVENTION” OF THE CODE OF THE BOROUGH OF LEONIA

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia as follows:

Section 1.

Chapter 136 of the Code of the Borough of Leonia, entitled “Fire Prevention”, is hereby repealed in its entirety and replaced with the following:

ARTICLE I - Administration

§136-1. Local Enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (PL 1983 c. 383, N.J.S.A. 52:27D-192 et seq.) the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Leonia.

§136-2. Agency Designation

The local enforcing agency shall be the Leonia Fire Prevention Bureau.

§136-3. Duties

The Fire Prevention Bureau 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 Leonia, other than owner-occupied one and two family dwellings used exclusively for dwelling purposes and shall faithfully comply with the requirements of the Uniform Fire Safety Act, the Uniform Fire Safety Code, and this ordinance.

§136-4. Life Hazard Occupancies

The Leonia Fire Prevention Bureau shall carry out annual inspections of life hazard uses as required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

§136-5. Organization

The Fire Prevention Bureau shall be a department within the Borough of Leonia and shall be under the direct supervision and control of the Fire Marshal. All employees of this office shall report to the Fire Marshal and subsequently the Borough Administrator in accordance with the Borough of Leonia Code Chapter 46. The office shall consist of the following: one Fire Marshal, one Deputy Fire Marshal, Fire Inspectors and Administrative Assistant.

§136-6. Appointments

- a. Appointment of the Fire Marshal. The Fire Marshal shall be appointed by the governing body of the Borough of Leonia according to all applicable State laws and Statutes contained in Subchapter 5:71 of the New Jersey Uniform Fire Code.
- b. Appointment of the Deputy Fire Marshal. The Deputy Fire Marshal shall be appointed by the governing body of the Borough of Leonia according to all applicable State laws and Statutes contained in Subchapter 5:71 of the New Jersey Uniform Fire Code.
- c. Fire Inspectors and Employees. Such inspectors and other employees as the Fire Prevention Bureau may recommend as necessary to properly carry out the responsibilities of the bureau. Appointments shall be made by the governing body, in consultation with the Fire Marshal. Appointments shall be made in accordance with all applicable State laws and Statutes contained in Subchapter 5:71 of the New Jersey Uniform Fire Code.

§136-7. Duties of the Fire Marshal

- a. The Fire Marshal shall be responsible for the operation and administration of the Division of Prevention Bureau.
- b. The Fire Marshal shall conduct the operations of the local enforcing agency in accordance with applicable federal, state and local statutes.
- c. Conduct fire safety inspections, investigate complaints, conduct fire investigation as assigned by the Fire Marshal and support all functions of the Leonia Fire Prevention Bureau.
- d. Possess and maintain certification as a Fire Official in accordance with N.J.A.C. 5:71 of the New Jersey Uniform Fire Code.
- e. Promptly prepare written reports of any inspections and forward such to all involved parties, including the prompt submission of all reports to the Fire Marshal.
- f. Be on call within the guidelines established by the Leonia Fire Prevent Bureau.
- g. The Fire Marshal shall prepare an annual audit report for the New Jersey Division of Fire Safety as required under N.J.A.S. 5:71-2.6(a)2(I) detailing the annual activities of the Fire Prevention Bureau. Copies of this report shall be provided to the Fire Chief.
- h. The Fire marshal shall ensure all required annual inspections of designated Life Hazard Uses within the Borough of Leonia are completed.

- I. The Fire Marshal shall attend enhancement seminars as necessary to maintain their certification valid and to stay informed on changing codes and processes.
- J. The Fire Marshal shall implement, promote and support community based fire safety education within the Borough of Leonia.

§136-7. Duties of the Deputy Fire Marshal

- a. The rank next below the Fire Marshal and shall assist the Fire Marshal to perform the duties of the Fire Marshal.
- b. During the absence of the Fire Marshal, assume the duties of the Fire Marshal and during such period, exercise the same powers and perform the duties of the Fire Marshal.
- c. Have supervision over all members of the Bureau, except the Fire Marshal.
- d. Conduct the fire safety inspections, investigate complaints, conduct fire investigations as assigned by the Fire Marshal and support all functions of the Leonia Fire Prevention Bureau.
- e. Possess and maintain certification as a Fire Official in accordance with N.J.A.C. 5:71 of the New Jersey Uniform Fire Code.
- f. Promptly prepare written reports of any inspections and forward such to all involved parties, including the prompt submission of all reports to the Fire Marshal.
- g. Be on call at the direction of the Fire Marshal within the guidelines established by the Leonia Fire Prevention Bureau.
- h. Attend enhancement seminars as needed to maintain their certifications current and to stay informed of code changes.
- I. Assist in the implementation, promotion and support of community based fire safety education within the Borough of Leonia.

§136-8. Duties of Fire Inspectors

- a. Appointed Fire Inspectors shall conduct fire safety inspections, investigate complaints, conduct fire investigations as assigned by the Fire Marshal and support all functions of the Leonia Fire Prevention Bureau.
- b. Fire Inspectors shall possess and maintain certification as a Fire official in accordance with N.J.A.C. 5:71 of the New Jersey Uniform Fire Code.

- c. Fire Inspectors shall promptly prepare written reports of any inspections and forward such to all involved parties, including the prompt submission of all reports to the Fire Marshal.
- d. Fire Inspectors may be required to be on call at the direction of the Fire Marshal within the guidelines established by the Leonia Fire Prevention Bureau.
- e. Fire Inspectors shall attend enhancement seminars as needed to maintain their certifications current and to stay informed of code changes.
- f. Fire Inspectors shall assist in the implementation, promotion and support of community based fire safety education within the Borough of Leonia.

§136-9. Employee Work Schedule

All employees of the Fire Prevention Bureau shall work a schedule established by the Fire Marshal in conjunction with and approved by the Borough Administrator.

ARTICLE II - Registrations, Inspections and Fees

§136-10. Required Registrations

- a. All owners of all commercial, mixed occupancy, multiple family and non owner occupied one and two family dwellings shall register with the Leonia Fire Prevention Bureau within thirty (30) days of taking ownership of the property. Any property owner failing to register shall be subject to a penalty of \$150.00.
- b. All new tenants, lessees or occupants of any commercial occupancy shall register with the Fire Prevention Bureau within thirty (30) days of obtaining a Certificate of Occupancy or Certificate of Continuing Occupancy from the Leonia Building Department. Any tenant, lessees or occupant failing to register shall be subject to a penalty of \$150.00.

§136-11. Required Inspections and Fees

The Fire Prevention Bureau shall perform inspections and complaint investigations of all occupancies within the Borough of Leonia with the exception of owner occupied one and two family dwellings used exclusively for dwelling purposes and apply the regulations of this ordinance and the Uniform Fire Code to the aforementioned facilities.

In addition to the inspections and fees required pursuant to the Uniform Fire Safety Act and the regulations of the Department of Community Affairs, the following additional annual facility registration fees shall be collected:

Use Type	Description	Fee
A-1	Assembly Occupancy with occupancy load between one (1) and fifty (50) not classified as a Life Hazard Use by the NJ Uniform Fire Code:	\$150.00
B-1	All buildings and/or occupancies of business use which do not exceed 2,500 square feet:	\$150.00
B-2	All buildings and/or occupancies of business use which are greater than 2,500 square feet but less than 10,000 square feet:	\$300.00
B-3	All buildings and/or occupancies of a business use which are 10,000 square feet or greater but less than 50,000 square feet:	\$600.00
B-4	All buildings and/or occupancies of a business use which are 50,000 square feet or greater:	\$900.00
F-1	All buildings and/or occupancies of a factory use which do not exceed 5,000 square feet:	\$300.00
F-2	All buildings and/or occupancies of factory use which are greater than 5,000 square feet but less than 10,000 square feet:	\$600.00
F-3	All buildings and/or occupancies of factory use which are 10,000 square feet or greater:	\$900.00
M-1	All buildings and/or occupancies of mercantile use which do not exceed 2,500 square feet:	\$150.00
M-2	All buildings and/or occupancies of mercantile use which are greater than 2,500 square feet but less than 4,000 square feet:	\$185.00
M-3	All buildings and/or occupancies of mercantile use which are greater than 4,000 square feet but less than 6,000 square feet:	\$225.00
M-4	All buildings and/or occupancies of mercantile use which are greater than 6,000 square feet but less than 8,000 square feet:	\$270.00

M-5	All buildings and/or occupancies of mercantile use which are greater than 8,000 square feet but less than 10,000 square feet:	\$300.00
M-6	All buildings and/or occupancies of mercantile use which are greater than 10,000 square feet but less than 12,001 square feet:	\$325.00
R-1	Residential one & two family non-owner occupied dwellings not used exclusively as a residence:	\$150.00
R-2	Residential three (3) to ten (10) units:	\$195.00
R-3	Residential eleven (11) to twenty (20) units:	\$300.00
R-4	Residential twenty-one (21) to thirty (30) units:	\$375.00
R-5	Residential thirty-one (31) to forty (40) units:	\$450.00
R-6	Residential forty-one (41) to fifty (50) units:	\$525.00
R-7	Residential fifty-one (51) and up: plus \$15.00 per every dwelling unit above fifty (50) units.	\$600.00
S-1	All buildings and/or occupancies of storage use which do not exceed 5,000 square feet:	\$300.00
S-2	All buildings and/or occupancies of storage use which are greater than 5,000 square feet but less than 10,000 square feet:	\$600.00
S-3	All buildings and/or occupancies of storage use which are 10,000 square feet or greater:	\$900.00
V-1	All buildings and/or occupancies that are unoccupied/ vacant which do not exceed 12,000 square feet:	\$150.00

Registration fees shall be paid on an annual basis within thirty (30) days of notification. Any fee not paid within sixty (60) days of the notification shall incur a late penalty charge equal to the amount of the original fee. An additional penalty charge equal to the original fee shall be incurred for each thirty (30) days past the first sixty (60) days. Failure to pay a penalty and/or register may result in court summons and additional penalties.

All fees collected pursuant to this section shall be paid into the Borough of Leonia treasure and shall thereafter be appropriated to the Fire Prevention Bureau for the enforcement of the Uniform Fire Enforcement Act.

§136-12. Fire Safety Permits and Fees

All permit application fees shall be set in accordance with N.J.A.C. 5:70-2.9©. Permit fees may be waived at the discretion of the Fire Marshal provided that the permit applicant is an approved 501(c)(3) non profit organization.

The following special inspections and fees are hereby established:

Certificate of Smoke Detector and Carbon Monoxide Alarm compliance:

Requests made more than ten (10) business days prior to inspection:	\$50.00
Requests made four (4) to (10) business days prior to inspection:	\$75.00
Requests made fewer than four (4) business days prior to inspection:	\$125.00
Reinspection Fee per occurrence:	\$50.00

Penalty for failure to obtain a Certificate of Smoke Detector and Carbon Monoxide Alarm compliance: \$150.00

All fees collected pursuant to this section shall be paid into the Borough of Leonia treasure and shall thereafter be appropriated to the Fire Prevention Bureau for the enforcement of the Uniform Fire Enforcement Act.

§136-13. Adoption of the New Jersey Uniform Fire Code

a. The current edition of the New Jersey Uniform Fire Code, as amended and supplemented, is hereby adopted. The following technical amendments refer to local amendments, deletions or changes to Subchapter 3, State Fire Prevention Code, including all subsequent revisions and amendments thereto adopted as the State Fire Prevent Code under N.J.A.C. 5:710-2.8(a).

1. No person or persons shall erect, construct, place or maintain any bumps, humps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the municipality. The word "street" as used in this ordinance shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.
2. If the possibility of unauthorized use after being sealed exists, the Fire Marshal or his designee may affix lockout devices or seals onto the devise and/or power source to prevent such use. It shall be a violation of this ordinance for any person(s), agent or employee to remove, destroy or otherwise defeat the protective devise except for the purpose of conducting authorized repairs. Before the appliance is place back into service suitable reinspection, including performance demonstration, will be required by the Fire Marshal. Any expenses associated with such demonstration shall be the responsibility of the appliance owner.

3. When, in the opinion of the Fire Marshal, a kitchen hood suppression system does not conform to current standards for life and property protection, he may order additional devices to increase surface protection, remote manual pull stations or automatic fuel shut off valves installed.
4. Any person smoking in a building or area posted with a conspicuous no smoking sign may receive a notice immediately without previous verbal or written warning. A penalty of no less than \$100.00 shall be issued.
5. All doors providing access to the rear of any occupancy shall be marked, at the discretion of the Fire Marshal, with the name of the occupancy and street name and number.
6. No person shall cause, suffer, allow or permit open burning of refuse or plant life, nor conduct a salvage operation with the use of open burning except for the limited purpose of outdoor cooking where done with equipment or fireplace designed for such purpose and in a manner not offensive to persons in the vicinity thereof. A penalty of no less than \$100.00 may be issued without previous verbal or written warning if such action described above occurs.
7. It shall be the responsibility of any contractor, maintainer or building representative to notify all tenants, occupants, staff, Borough of Leonia emergency communications center and the Leonia Fire Prevention Bureau prior to performing any tests, repairs or other work that could cause the activation of, or render any component of any fire protection system out of service. A penalty of not less than \$250.00 may be issued without previous verbal or written warning for failure to make all notifications described above.
8. All new and existing fire alarm systems requiring a code to access system functions such as reset and silence shall utilize the Borough of Leonia Fire Department identification number "0229". Any system which required a code in excess of four digits shall utilize a code approved by the Fire Marshal.
9. It shall be a violation for any person, owner, tenant, employee or agent to reset, deactivate or reduce the effectiveness of any fire alarm or suppression device prior to the arrival of the Leonia Fire Department once the alarm signal has been transmitted. A penalty of no less than \$250.00 may be issued without previous verbal or written warning if such action described above occurs.
10. All new and existing buildings that contain a Fire Department sprinkler/standpipe connection shall be equipped with a vandal resistant cap as approved by the Fire Marshal. Such caps shall be installed at the expense of the building owner after receiving written notice of compliance requirements. It shall be a violation of this code for any person or agency to remove, defeat, vandalize or steal such a protective cap.

11. All partial area sprinkler systems with a Fire Department connection shall have a sign located at the Fire Department connection stating the area of protection for that premise.
12. All Fire Department sprinkler and standpipe connections shall have a red light located a minimum of 5 feet above the connection and be visible from the main street side of the building. The red light shall remain illuminated 24 hours per day. The fixture shall be a pendant style and design approved by the Fire Marshal and shall consist of a red globe illuminated by a long life white bulb with an average life greater than 3,000 hours and providing no less than 1100 lumens.
13. No person shall operate any fire hydrant without the express written permission of the Fire Marshal and the water company having jurisdiction. Exception, use by any person employed by the Borough of Leonia, water company having jurisdiction or authorized by the water company having jurisdiction for such use. No use shall hinder or reduce the firefighting capability of a fire hydrant. A penalty of no less than \$250.00 may be issued without previous verbal or written warning if such action described above occurs.
14. All building owners and commercial occupants shall complete and submit an emergency contact form approved by the Leonia Fire Prevention Bureau.
15. Where, in the opinion of the Fire Marshal, a potential for repeated violations of aisle or storage requirements exists, the person responsible for such storage may be required to maintain permanent durable markings on the floors or walls of such areas to delineate aisles and passageways.

ARTICLE II - Fire Lanes and Fire Zones

§136-14. Designation of Fire Zones

Whenever it is deemed necessary for public safety, the Fire Marshal of the Borough of Leonia Fire Department may order and require the owner or the owner's agent of any property to designate fire zones, driveways, parking areas or other areas necessary for the fire department access and operation. Upon issuing such written order, the Fire Marshal shall, at the same time, require the owner or the owner's agent of such premises to provide, erect and maintain metal signs and permanent markings upon the pavement, designating such location as a fire zone and that no parking shall be permitted therein. Metal signs and markings shall be of a design and quality approved by the Leonia Fire Prevention Bureau.

§136-15. Obstruction of Lanes and Zones Prohibited

No person shall, at any time, park a vehicle or in any other manner obstruct any area that has been designated as a fire zone.

§136-16 Violations and Penalties

Anyone violating or failing to otherwise comply with an order of the Fire Prevention Bureau or violating any provision of this article shall be punished by the imposition of one penalty pursuant to Chapter 1, Article 1 of the Code of the Borough of Leonia for any such violation or failure to comply shall not excuse the violation or failure to comply or permit it to continue, and all such owners or owners' agents shall be required to correct such violations or comply with such order within a reasonable time. In the event the obstruction is deemed to be an imminent hazard to live or property, the obstruction can be ordered removed. The cost of the removal of said obstruction shall be borne by the owner of the involved property or the person responsible for creating such obstruction and shall be paid within 30 days of receiving written proof of cost of removal. Uncollected monies are subject to collection through the municipal court and the Penalty Collection Act (N.J.S.A. 2A:58-1).

§136-17. Enforcement

The Leonia Fire Prevention Bureau and the Leonia Police Department shall have the jurisdiction to enforce the provisions of this article.

ARTICLE III - Fire Watch & Standby

§136-18. Fire Watch

- a. Fire Watch and Protective Stand By - Whenever a determination is made by the Fire Marshal that an increased potential of fire, life or property loss is present at any building, facility, event or property there may be ordered a protective watch to be performed. This watch shall be performed by the Fire Marshal, Deputy Fire Marshal or Fire Inspector from the Leonia Fire Prevention Bureau, a member of the Leonia Fire Department who is a New Jersey State Certified Firefighter, a member of a local, county, state fire prevention agency or municipal fire department approved by the Fire Marshal. The requirement for such a watch shall consider the status of occupancy and use, fire protection equipment, structural damage from fire or accident and the potential for fire, injury or loss of life from all sources.
- b. Fire Watch Cost - The cost of a Fire Watch shall be borne by the owner of the involved property or the person responsible for creating such hazard. The following fee schedule shall be enforced:
 - I. Per member of the Leonia Fire Prevention Bureau an hourly rate equal to 1.5 times their hourly salary or \$50, whichever is greater.
 - ii. Per member of the Leonia Fire Department an hourly rate of \$50.

- iii. Anyone conducting a fire watch shall be compensated for a minimum of four hours.
- iv. In the event any fire suppression apparatus is required as part of the fire watch, a rate of \$35.00 per fire suppression vehicle per hour.
- v. In the event any Fire Department vehicle other than suppression apparatus is required as part of the fire watch, a rate of \$10.00 per vehicle per hour.
- vi. In the event manpower and/or fire suppression apparatus are not available from the Borough of Leonia, the cost of the fire watch shall be the rate and fees of the municipality providing the manpower and/or apparatus for the fire watch services.
- vii. A 15% administrative fee shall be applied for all fire watches.

The cost of a Fire Watch shall be paid within 30 days of receiving written proof of cost and man-hours. Uncollected monies are subject to collection through the municipal court and the Penalty Collection Act (N.J.S.A. 2A:58-1). The decision of the Fire Marshal shall be final in matters of immediate life safety or property loss.

ARTICLE III - Fire Control & Enforcement

§136-19. Basic Fire Control and Enforcement Authority

- a. Authority of the Fire Marshal - The Fire Marshal, or his duly authorized representative, as may be present at the scene of a fire or other emergency endangering life and/or property loss is empowered to direct such fire prevention and investigation operations as may be necessary to ensure prompt and unhindered intervention and operation of the Fire Department at the scene. The Fire Marshal may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed any person, vehicle or object that may impede or interfere with the operations of the fire department, fire prevention bureau or a fire scene investigation.
- b. Compliance with Orders - No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Marshal or his designee during fire prevention enforcement, investigations or interfere with the compliance attempts of another individual.

ARTICLE IV - Rapid Entry System

§136-20. Minimum Criteria - The Fire Prevention Bureau requires the following minimum standards for all rapid entry systems devices required by this article. Devices that do not meet these criteria will be considered noncompliant. This will be considered as not meeting the terms of this article.

- A. Lock and key minimum criteria.

1. Locks must have the ability to be master-keyed to the lock code authorized by the Fire Marshal and utilized within the Borough of Leonia.
2. Lock cylinders must have a listing in accordance with UL 437, Safety Key Locks.
3. System keys must withstand a minimum of 50 inch-pounds of torque when fully inserted.
4. System keys shall be cut using a biaxial pattern similar to the Medco Level 3 or better.
5. Vendors must be able to provide official proof of UL listing.
6. System keys must be able to be secured in an electronic retention device installed in any Leonia Fire Prevention Bureau or Leonia Fire Department vehicle.

B. Key vault minimum criteria.

1. Key vaults must be listed in accordance with UL 1037, Anti-Theft Devices.
2. Key vaults must have a minimum door and wall thickness of 1/4-inch plate steel.
3. Key vaults must have a weatherproof gasket seal of neoprene or better around all openings.
4. Key vaults must have a stainless steel dust cap or cover over the lock cylinder.

§136-21. Security

The Fire Prevention Bureau realizes the need for exceptional security and control over the access to the system master keys. To provide the maximum level of protection, all system keys utilized by the Leonia Fire Department will be secured in a locked retention system that will only release the key upon receipt of an encoded numeric PIN that a Leonia Volunteer Fire Department Officer or Leonia Volunteer Fire Department apparatus driver must enter. All key releases and returns will be logged with the time, date and which firefighter(s) accessed the key.

§136-22. Applicability

The requirements of this article shall apply to all new and existing structures other than owner occupied one- and two-family houses used exclusively as residences.

§136-23. Installation

The key vault shall be installed in compliance with the following requirements for installation criteria:

- a. Installation cost shall be the sole responsibility of the building owner.
- b. The key vault shall be installed in a prominent and viewable location near the main entrance of the building approved by the Fire Prevention Bureau.
- c. The key vault, when practical, shall be installed approximately five feet above grade and no more than eight feet above grade.
- d. The building owner shall be responsible for installation of the key vault in accordance with the manufacturer's instructions and specification.
- e. Buildings which (either due to size, design or occupancy) have multiple public entrances shall install the key vault at a location specified by the Fire Prevention Bureau and shall place an approved reflective sticker on all remaining doors

indicating that the premises are equipped with a rapid-entry system. If, in the opinion of the Fire Marshal, additional key vaults are required due to size and or occupancy of any said building, space or property, additional key vaults or approved padlocks may be required to be installed.

§136-24. Key Vault Contents

A. In any building with a rapid-access system, the owners and/or occupants shall be required to provide at least the following keys or other access devices. All keys-access devices shall be adequately marked so as to identify their purpose.

1. Main entrance door keys or access device.
2. All exterior door keys.
3. Keys to any utility rooms or areas containing the following controls or shutoffs: gas, electric, boilers/furnaces, water heaters, water, fire alarm systems, fire-suppression system controls, or elevator controls.
4. Any common area halls, laundry facilities, storage areas and roof access doors/scuttles.
5. In subdivided commercial buildings, keys to access the individual areas occupied by various tenants.
6. S or combinations to locks securing fire alarm control panels, fire-suppression controls or utility panels/devices.
7. Fire Department elevator service keys (a minimum of one for each elevator in the building).

B. It shall be the owner's/occupant's responsibility to notify the Leonia Fire Prevention Bureau of any changes in keys or additional keys which are placed in the key vault. Penalties may be assessed in the event the box contents are not kept current.

§136-25. Key Vault Size

It shall be the owner's responsibility to ensure that the key vault is of an appropriate size to accommodate the number of keys/access devices required for the building. It shall be the responsibility of any building owner with an existing key vault found to be inadequate in size due to the required contents to install an appropriately sized key vault.

§136-26. Deadline for Compliance

All existing buildings required to participate in accordance with this article shall be in compliance within 60 days of receiving written notice from the Fire Prevention Bureau. Buildings under construction or renovation shall be in compliance prior to any required fire subcode, inspection and buildings shall be in compliance prior to the final building inspection. Penalties may be assessed in the event compliance is not met.

§136-27. Enforcement

The provisions of this article shall be enforced by the Leonia Fire Prevention Bureau. The Fire Prevention Bureau shall be responsible for serving all notices of violation pursuant to this article as well as collecting any assessed penalties.

§136-28. Violations and Penalties

Any building owner not in compliance with the installation requirements of this article within 60 days of being notified of such requirements for installation shall be fined an amount of not less than \$250 and not to exceed \$1,000. An owner/occupant who does not provide the required keys/access devices shall be fined an amount of \$50 for each day that the appropriate keys/access devices are not provided for installation. An owner/occupant who does not inform the Fire Prevention Bureau of a new lock installation or key/access device change may be subject to a penalty of not less than \$50 and not more than \$500 per occurrence. These penalties may be reassessed for each day the violation continues. These penalties pertain to this article only and do not preclude any additional penalties issued under N.J.A.C. 5:70-1 et seq., or other ordinances of the Borough of Leonia. Any penalty assessed shall be paid within 30 days of issue. Unpaid penalties shall be turned over to the Leonia Municipal Court pursuant to the penalty collection statutes.

ARTICLE V - Outdoor Fires

§136-29. Definitions

For the purpose of this article, the following definitions shall apply:

APPROVED CONTAINERS - Shall consist of portable outdoor fireplaces, fire tables, chimineas and patio fireplaces used in accordance with manufacturer's instructions.

APPROVED MATERIALS - Seasoned firewood, kindling wood, manufactured fire logs and fire starting materials.

FIREPLACE - A permanently constructed solid fuel-burning fireplace construction of steel, concrete or other non-combustible material with a hearth opening and chimney.

FIRE PIT - A permanently constructed solid fuel-burning device constructed of steel, concrete or other non-combustible having an open design with a fire area no more than 3 feet in diameter and 2 feet in depth.

FIREWOOD - Trunks and branches or trees and bushes, but does not include leaves, needles, vines or brush smaller than two inches in diameter.

NUISANCE - Any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

OUTDOOR FIRE - Any fire outside of any structure where seasoned wood or approved dimensions is burned for pleasure, warmth or similar purpose by the resident.

TREATED LUMBER - Dry wood which has milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

UNTREATED LUMBER - Dry wood which has milled and dried but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

§136-30. Regulations

A. For outdoor fires at one and two family dwellings, fires shall be maintained in approved containers, fireplaces and fire pits and shall be allowed without a permit provided the regulations contained herein are followed. Outdoor fires at all properties other than one and two family dwellings shall be subject to regulations of the NJ Uniform Fire Code.

B. Outdoor fires shall be limited to a maximum three-foot diameter and two-foot height, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other method approved by the Fire Marshal or his designated inspector.

C. All openings in the approved container must be covered with screening materials that will prevent the passage of sparks or embers.

D. Outdoor fires must be maintained in the rear yard at least 15 feet from any structure, fence, combustible vegetation and property line.

E. Outdoor fires must be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel or garden hose shall be available for immediate utilization.

F. No such fire or container used for an outdoor fire may be used on any porch, deck, balcony or any other portion of a building; within any room or space; or under any building overhang.

G. The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than two inches in diameter, treated or untreated lumber, garbage, debris, paper products or anything other than seasoned firewood or fire logs as set forth herein is prohibited.

H. All outdoor fires as set forth herein shall be prohibited between 1:00 a.m. and 8:00 a.m.

I. The Fire Marshal or his designee, Fire Chief or designee, police officer, property maintenance official or health officer may order any outdoor fire which creates a nuisance, to be extinguished.

§136-31. Enforcement, Violations and Penalty

A. This article shall be enforced by the Fire Prevention Bureau or the Leonia Police Department.

B. Any person or entity who shall violate any of the provisions of this article or any order promulgated hereunder shall, after a summons is issued under the terms hereof, upon conviction, be punishable as follows:

- (1) For a first offense: by a fine of not less than \$50 or more than \$200
- (2) For a second offense: by a fine of not less than \$200 or more than \$300
- (3) For a third offense or any subsequent offenses: by a fine of not less than \$300 or more than \$500 or by imprisonment in the county jail for a period not to exceed 90 days or by both such fine and imprisonment.

C. Any fine or penalty to be imposed by the Municipal Judge shall not be imposed until the Judge reviews the history of the person or entity in question relating to violations of this chapter in order that the appropriate penalty is imposed.

D. Each violation of any of the provisions of this chapter and each day that each such violation shall continue shall be deemed to be a separate and distinct offense.

ARTICLE IV - Appeals & Severability

§136-32. Board of Appeals

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Bergen County Construction Board of Appeals.

§136-33. Repealer

All other ordinances of the Borough of Leonia, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict.

§136-34. Severability

The provisions of this ordinance are severable and if any sentence, section or other part of this ordinance should be found to be invalid such invalidity shall not affect the remaining provisions and the remaining provisions shall continue in full force and effect. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been passed without such illegal or invalid parts or provisions. Any invalid part of this code shall be segregated from the remainder of this code by the court holding such part invalid and the remainder shall remain effective.

§136-35. Effective Date

This ordinance shall take effect upon final adoption and publication of notice of adoption as required by law.

ATTEST:



TRINA LINDSEY
Borough Clerk


JUDAH ZEIGLER, Mayor

Introduced: July 18, 2022
Adopted: August 1, 2022
Approved: August 1, 2022

RECORD OF VOTE


Council	First Reading						Second Reading					
	July 18, 2022						August 1, 2022					
	M	S	Y	N	A	AB	M	S	Y	N	A	AB
Flaim	✓		✓					✓	✓			
Davis			✓						✓			✓
Fusco			✓						✓			✓
Grandelis		✓	✓				✓		✓			✓
Terrell			✓				✓		✓			✓
Ziegler			✓									✓
Mayor Zeigler												

M - Motion S - Seconded Y - Yes N - No A - Abstain AB - Absent



 Judah Zeigler, Mayor

ATTEST:



 Trina Lindsey, Borough Clerk