

ORDINANCE 26-2003

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 101 OF THE BOROUGH CODE TO COMPLY WITH CERTAIN CHANGES TO THE NEW JERSEY FIRE CODE REGARDING REQUIREMENTS FOR CARBON MONOXIDE DETECTORS IN RESIDENCES

WHEREAS, the Borough Fire Chief has recommended that the Borough Fire Code be amended to reflect certain changes made to the New Jersey Uniform Fire Code, to require carbon monoxide detectors be installed in all dwelling units upon lease or sale; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that:

SECTION 1: Section 101-11.1 of the Borough Code entitled "Smoke Detectors" is amended to read as follows:

§ 101-11.1. Smoke Detectors And Carbon Monoxide Detectors.

A. For purposes of this section, the following terms shall have the meanings indicated:

DWELLING UNIT -- Every structure or portion thereof used as a separate unit for residential purposes, including single-family, two-family and multifamily residences; apartments; each residential unit in rooming and boarding houses; and each suite or sleeping area in dormitories.

B. Compliance.

(1) No dwelling unit shall be sold, leased or otherwise made subject to a change of occupancy for residential purposes after the effective date of this section without having first met its requirements.

(2) It shall be unlawful for any owner to sell or lease a dwelling unit or a building containing a dwelling unit in the Borough of Madison, regardless of the date of construction, without having first procured a certificate from the office of the Fire Official or other responsible state agency indicating that the premises to be sold or leased comply with the provisions of this section.

C. Smoke Detectors.

(1) Every dwelling unit shall have a minimum of one approved smoke detector installed and properly functioning on each story or level. An approved smoke detector shall be a photoelectric and/or ionization type, which has been approved by the Underwriter's

Laboratory. The installation of smoke detectors, either battery-operated or hard-wired, shall be made in accordance with the regulations of the Bureau of Fire Prevention of the Madison Fire Department and the requirements of the manufacturer, both as to the number of detectors needed for the area to be protected and as to the method employed. All such equipment and installations shall comply with the regulations established under NFPA Standard No. 74 and the New Jersey State Uniform Construction Code.

(2) It shall be the responsibility of the owner to maintain every smoke detector in working order after a certificate has been issued by the Bureau of Fire Prevention of the Madison Fire Department.

D. Carbon Monoxide Detectors.

Carbon Monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3, except for units in buildings that do not contain a fuel-burning device and have an attached garage, as follows:

(1) Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of the sleeping area(s).

(2) Carbon monoxide alarms may be battery-operated, hard-wired or of the plug-in type and shall be listed and labeled in accordance with UL-2034 and shall be installed in accordance with the requirements of this section and NFPA-720.

(3) As an alternative to the requirements of (1) above, and with the approval of the Bureau of Housing Inspection, carbon monoxide detectors may be installed in any building required to be registered as a hotel or multiple dwelling in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

(4) As an alternative to the requirements of (1) above, and with the approval of the Bureau of Rooming and Boarding House Standards, carbon monoxide alarms may be installed in any rooming or boarding house in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

(5) It shall be the responsibility of the owner to maintain every carbon monoxide detector in working order after a certificate has been issued by the Bureau of Fire Prevention of the Madison Fire Department.

E. Inspection Fees.

The fee for any inspection for a certificate of compliance with this section shall be \$50. The fee for any re-inspection for a certificate of compliance with this section shall be \$25. until the property is in compliance with this section.

SECTION 2: Section 101-12 of the Borough Code entitled "Violations and Penalties" is amended to read as follows:

The penalties for violations of this chapter shall be as set forth in the Uniform Fire Code for all violations of the provisions of said code as enforced by this chapter. Any person, firm or corporation who shall violate any of the provisions of this chapter not covered by the Uniform Fire Code shall be subject to a fine punishable by one or more of the following in the discretion of the Judge: a fine of not to exceed \$1,000; or by a period of community service not exceeding 90 days. In the event that a fine is imposed, pursuant to this section, such fine shall be no less than \$100.

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SECTION 3: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

JOHN J. DUNNE, Mayor

Attest:

Marilyn Schaefer, Borough Clerk

Introduced and passed: June 9, 2003

Published, Madison Eagle: June 12, 2003

Hearing, amended, new hearing date: July 14, 2003