

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #24/17

**AN ORDINANCE OF THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED
“FIRE SAFETY MANAGER”**

WHEREAS, the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., establishes a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, N.J.S.A. 5:18-1.4C provides that a municipality may, by ordinance make its fire code more restrictive than the standards contained in the Uniform Fire Code; and

WHEREAS, the proliferation of high-rise buildings has provided a severe strain on the services of the North Hudson Regional Fire Department; and

WHEREAS, it should be incumbent upon property owners to supply needed safety information to the North Hudson Regional Fire Department upon their arrival; and

WHEREAS, the safety of the occupants will be significantly increased if a Fire Safety Manager was established in all high-rise buildings; and

WHEREAS, it is in the best interest of the Town of West New York to have the Fire Safety Manager requirements enforced by West New York personnel locally, and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that the Town Code shall be amended to add the following:

SECTION ONE

1. Application.

This article shall apply to all buildings or structures more than six (6) stories above grade or more than 75 feet above the lowest level accessible to the North Hudson Regional Fire and Safety apparatus. This includes buildings or structures of lesser height which are not accessible to the North Hudson Regional Fire and Rescue apparatus because of setbacks or restricted approaches.

2. General.

A. It is the objective of this regulation to provide training, proper education and licensing through a continuing program for all high-rise occupants and management, to assure prompt reporting of fire, to assure the immediate response to fire alarms and the immediate initiation of fire safety procedures to safeguard life and property and contain any fire situations or other emergency situations until the arrival of the North Hudson Regional Fire and Rescue and Emergency Services.

B. It shall be the responsibility of the owner/manager or other person having charge of a high-rise building to comply with these regulations.

C. It shall be the responsibility of the building management to provide a Fire Safety Manager to perform these duties. In a large high-rise building, the owners of the building should strive to isolate the individual chosen for the Fire Safety Manager's job from other responsibilities. In buildings where there are multiple companies, it is the responsibility of the Fire Safety Manager of the building to coordinate fire safety between the various companies.

D. In addition to the above duties the Fire Safety Manager shall keep current with pertinent laws and advancements in the fire safety field.

E. Any person discovering fire, heat or smoke shall immediately report such condition to the North Hudson Regional Fire and Safety or 911 unless he has personal knowledge that such a report has been made. No person shall make, issue, post or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting such condition to the North Hudson Regional Fire and Safety or 911.

F. Everyone associated with high-rise structures must recognize that once the construction of the building is completed and the structure occupied, the Fire Safety Manager is the key to future fire safety. His/her talents should be directed toward the prevention of fire by necessary inspections which will definitely cut down on some of the hazards that breed fire and evacuation procedures which will effectively reduce injuries during an emergency. If an accidental fire starts, he/she will have all the defenses ready to combat it by carrying out his/her duties and provide a safe means of evacuation for all buildings occupants.

G. In order to maintain proficiency and stay abreast of high rise safety, Fire Prevention shall conduct three (3) continuing education instruction seminars annually.

3. Definitions.

Fire Command Station: The central control station which shall contain where applicable the public address system panel; the North Hudson Regional Fire and Safety dispatch center; fire detection and alarm system annunciator panels; status indicators and control for air handling

systems; and status indicators and a telephone for North Hudson Regional Fire and Safety use with controlled access to the public telephone system.

Fire Drill and Evacuation: The method and practice of a systematic, safe and orderly evacuation of an area or building by and of its occupants in case of fire or other emergency in the least possible time; also the use of such available fire appliances (including sounding of alarms) as may have been provided for the controlling or extinguishing of fire and safeguarding of human life.

Fire Official: A person certified by the Commissioner of the Department of Community Affairs and appointed to direct the enforcement of the Uniform Fire Code of the State of New Jersey by the appointing authority in the Town of West New York.

High-Rise Building: Any building or structure having occupied floors located more than six (6) stories above grade or more than 75 feet above the lowest level accessible to North Hudson Regional Fire and Safety apparatus. This includes buildings or structures of lesser height which are not accessible to North Hudson Regional Fire and Safety apparatus because of setbacks or restricted approaches.

Owner: A person who owns, purports to own, manages, rents, leases, or exercises control over a building, structure or premises.

Use Group "A": Includes theaters and other buildings used primarily for theatrical or operatic performances and exhibitions, places of public assembly, amusement, entertainment or recreation, churches, grandstands, bleachers, coliseums, stadiums, tents or similar structures.

Use Group "B": Includes buildings used for the transaction of business, for the rendering of professional services, or for other services that involve stocks of goods, wares or merchandise in limited quantities for use incidental to office uses or simple purposes.

Use Group "I": Includes buildings housing individuals who, because of age, mental instability, physical limitations, security or other reasons, must live in a supervised environment.

Use Group "M": Includes buildings used for display and sales purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.

Use Group "R-1": Includes all hotels, motels and similar buildings arranged for shelter and sleeping accommodations and in which the occupants are primarily transient in nature, making use of the facility for a period of less than 30 days.

Use Group "R-2": Includes all multiple family dwellings having more than two dwelling units and shall also include all dormitories, rooming houses and group rentals where the occupants are living independently of each other and similar buildings arranged for shelter and sleeping accommodations in which the occupants are not transient in nature.

4. Overview.

A. Fire Safety Plan.

(1) A Fire Safety Plan for fire drills and evacuation procedures in accordance with the requirements of the Fire Official shall be submitted to the Department of Public Safety and the approval of the Fire Official shall be obtained. The applicable parts of the fire safety plan shall be distributed to the tenants of the building and to the building service employees. Tenant with employees shall distribute to their employees applicable parts of the fire safety plan. All occupants of the building shall participate and cooperate in carrying out the provisions of the fire safety plan. Where the owner of the building is an occupant, he/she shall comply with those provisions of the sections applicable to tenants.

(2) The Fire Safety Plan shall include the location where tenants who evacuate the building must stage for accountability purposes.

B. Fire Safety Manager, Deputy Fire Safety Manager, and Building Evacuation Supervisor.

(1) Fire Safety Manager and Deputy Fire Safety Manager.

(a) In high-rises of Use Group B, R-1 and R-2, one employee shall be designated as "Fire Safety Manager" and one or more employees as "Deputy Fire Safety Managers." Such employees shall have knowledge of a building's fire protection plan and each shall have a Certificate of Fitness, in accordance with the requirements of the Fire Official and listed in this ordinance, qualifying him/her to conduct fire drills, evacuations and related activities such as organizing, training and supervising a fire brigade, and designating and training Fire Wardens and Deputy Fire Wardens. In the absence of a Fire Safety Manager when a Fire Safety Manager is required to be on-duty in the building, the Deputy Fire Safety Manager shall act as Fire Safety Manager.

(b) During normal working or business hours, there shall be on the premises at least one person on-duty in the building designated as "Fire Safety Manager" with a required Certificate of Fitness. During fire emergencies, the primary responsibility of the Fire Safety Manager shall be the supervision and staffing of a fire command station and the direction and execution of the evacuation as provided in the fire safety plan. Such activities shall be subject to Department of Public Safety control. Normal working or business hours shall be considered from 9:00 a.m. to 4:00 p.m., Monday thru Friday, excluding holidays.

(2) Building Evacuation Supervisor. At all other times when there are occupants in the building and there is no Fire Safety Manager on-duty in the building, there shall be at least one employee on-duty on the premises who shall be designated as "Building Evacuation Supervisor." He/she shall be capable of directing the evacuation of the occupants as provided for in the Fire Safety Plan. During fire emergencies, the primary responsibility of the Building Evacuation Supervisor shall be the staffing of a fire command station and the direction and execution of the evacuation as provided in the Fire Safety Plan. His/her training and related activities shall be under the direction of the Fire Safety Manager in accordance with the requirements of the Fire Official and the Fire Safety Plan. Such activities shall be subject to Department of Public Safety control.

(3) Fire Warden and Deputy Fire Warden.

(a) The tenant or tenants on each floor shall, upon request of the owner or person-in-charge of the building, make responsible and dependable employees available for designation by the Fire Safety Manager as Fire Warden and Deputy Fire Wardens.

[1] In high-rises of Use Group B and R-1, there shall be a minimum of one (1) Fire Warden and one (1) Deputy Fire Warden for each floor. In cases of multiple tenants on a floor, there shall be a Deputy Fire Warden for each tenant. In addition, any tenancy with more than 7,500 square feet of occupiable space shall have a Deputy Warden for each 7,500 square feet or part thereof.

[2] In high-rises of Use Group R-2, there shall be a minimum of one (1) Fire Warden and one (1) Deputy Fire Warden for each floor.

C. Fire Brigade.

(1) A fire brigade consisting of qualified building employees shall be selected, organized, trained and supervised by the Fire Safety Manager.

(2) The Brigade shall be trained in the proper use of portable fire extinguishers and other manual fire suppression equipment.

D. Fire Drills. Fire drills shall be conducted, in accordance with the Fire Safety Plan, at least once every three months for existing buildings during the first two years after the effective date of this ordinance, or for new buildings, at least once every three months during the first two years after the issuance of the certificate of occupancy. Thereafter, fire drills shall be conducted at least once every six months. The occupants of the building, other than building employees, shall not be required to leave the floor or use the exits during the drill. A written record of such drills shall be kept on the premises for a three-year period and shall be readily available for inspection by the Department of Public Safety.

E. The tenant or tenants of each floor, upon request of the owner or the person-in-charge of the building, shall make responsible and dependable employees available for designation and training by the Fire Safety Manager as fire wardens and deputy fire wardens. Designated fire wardens and deputy fire wardens shall carry out their responsibilities as contained in the fire safety plan.

F. In buildings where compliance would cause practical difficulty or undue hardship, the Fire Official may modify the requirements of this ordinance and accept alternatives fulfilling the intent of these requirements consistent with public safety.

5. Responsibilities.

A. The owner shall:

- (1) Be responsible for providing for fire safety and conduct fire drills in accordance with these rules.
- (2) Insure for the development and updating of a written Fire Safety Plan providing for fire drills and evacuation procedures in accordance with these rules.
- (3) Designate an employee as Fire Safety Manager. This person must hold a Certificate of Fitness qualifying him/her to perform the appropriate duties of Fire Safety Manager during normal working or business hours.
- (4) Designate one or more employees as Deputy Fire Safety Manager(s). This/these individual(s) must hold a Certificate of Fitness qualifying him/her to perform the duties of the Fire Safety Manager and may perform in the capacity as Acting Fire Manager in his/her absence.
- (5) Insure that during normal working or business hours, there shall be at least one person on-duty in the building as Fire Safety Manager holding a Certificate of Fitness. He/she shall be qualified to conduct fire drills, evacuations and related activities such as organizing, training and supervising a fire brigade. During fire emergencies, the primary responsibility of the Fire Safety Manager shall be the supervision and staffing of a Fire Command Station and the direction and execution of the evacuation as provided in the Fire Safety Plan. Such activities shall be subject to Department of Public Safety control. Normal working or business hours shall be considered from 9:00 a.m. to 4:00 p.m., Monday thru Friday, excluding holidays.
- (6) Ensure that at all other times when there is no Fire Safety Manager on-duty in the building, there shall be at least one person on-duty in the building as Building Evacuation Supervisor. He/she shall be capable of directing the evacuation of the occupants as provided for in the Fire Safety Plan. During fire emergencies, the primary responsibility of the Building's Evacuation Supervisor shall be the staffing of a Fire Command Station and the direction and execution of the evacuation as provided in the Fire Safety Plan. His/her training and related activities shall be under the direction of the Fire Safety Manager in accordance with the requirements of these Rules and the Fire Safety Plan. Such activities shall be subject to Department of Public Safety control.

B. The Fire Safety Manager shall:

- (1) Establish, monitor, and update a written Fire Safety Plan providing for fire drill and evacuation procedure in accordance with these rules.
- (2) Select qualified building service employees for a Fire Brigade and organize, train and supervise such Fire Brigade (Limited to fire extinguishers).
- (3) Be responsible for the availability and state of readiness of the Fire Brigade.

- (4) Conduct fire and evacuation drills.
- (5) Be responsible for the designation of a Fire Warden for each floor and sufficient Fire Wardens for each tenancy in accordance with these rules.
- (6) Be responsible for the training and activities of the building evacuation supervisor.
- (7) Be responsible for a daily check for the availability of the Fire Warden and Deputy Fire Wardens and see that up-to-date organizational charts identifying the Wardens are posted.
- (8) Notify the owner or other person having charge of the building when any designated individual is neglecting his/her responsibilities contained in the Fire Safety Plan. The owner or other person in charge of the building shall bring the matter to attention of the firm employing the individual. If the firm fails to correct the condition, the Department of Public Safety shall be notified by the owner or person in charge of the building.
- (9) In event of a fire, report to the Fire Command Station to:
 - (a) Ensure that the Department of Public Safety has been notified of any fire or fire alarm.
 - (b) Supervise and coordinate staffing of the Fire Command Station. It is essential that the Fire Safety Manager remain in the lobby at the Fire Command Station.
 - (c) Direct evacuation procedures as provided in the Fire Safety Plan.
 - (d) Provide reports of conditions on the fire floor to members of the Department of Public Safety upon their arrival.
 - (e) Advise North Hudson Regional Fire and Safety personnel (Incident Commander) in the operation of the Fire Command Station.
- (10) Identify any condition that will constitute a fire safety violation. Once identified, the Fire Safety Manager will immediately take steps to correct the violation. If the violation or condition cannot be corrected by the Fire Safety Manager he/she is obligated to notify Fire Prevention.
- (11) Fire Safety Managers shall attend one (1) continuing education seminar conducted by the Fire and Emergency Services, on an annual basis. The Fee for this service will be one hundred dollars (\$100.00).
- (12) Failure to carry out the duties as enumerated in this section may result in the revocation of a Fire Safety Manager's certification.
- (13) A Fire Safety Manager's certification may be revoked at the discretion of the Fire Official for just cause.

C. The Deputy Fire Safety Manager shall:

(1) Act as Fire Safety Manager, assuming his/her duties and responsibilities in the absence of the Fire Safety Manager during normal working or business hours.

D. The fire wardens and deputy fire wardens shall:

(1) Be familiar with the Fire Safety Plan, the location of exits and the location and operation of any available fire alarm system.

(2) In the event of a fire alarm:

(a) Ascertain location of the fire.

(b) Direct the evacuation of the floor in accordance with directions received and the following guidelines:

[1] If the elevators servicing his floor also service the fire floor, they shall not be used. However, elevators may be used if there is more than one bank of elevators, and he is informed from the Fire Command Station that one bank is unaffected by the fire.

[2] If elevators do not service the fire floor and their shafts have no openings on the fire floor, they may be used, unless otherwise directed.

[3] Elevators staffed by trained building personnel or firemen may also be used.

[4] In the absence of a serviceable elevator, the Fire Warden shall select the safest stairway to use for evacuation on the basis of the location of the fire and any information received from the Fire Command Station. The Fire Warden shall check the environment in the stair prior to entry for evacuation. If it is affected by smoke, an alternate stair shall be selected and the Fire Command Station notified.

[5] The Fire Warden shall keep the Fire Command Station informed of the means being employed for evacuation by the occupants of his/her floor.

[6] The most critical areas for immediate evacuation are the fire floor and the floors immediately above. Evacuation from the other floors shall be instituted when instruction from the Fire Command Station or conditions indicates such action. Evacuation should be via uncontaminated stairs. He/she shall try to avoid stairs being used by the North Hudson Regional Fire and Safety. If this is not possible, he/she shall try to attract the attention of the North Hudson Regional Fire and Safety personnel before such personnel open the door to the fire floor.

[7] Evacuation to two or more levels below the fire floor is generally adequate. He/she shall keep the Fire Command Station informed regarding his/her location.

[8] Fire Wardens and their Deputies shall see that all occupants are notified of the fire, and that they proceed immediately to execute the Fire Safety Plan.

[9] The Fire Warden on the fire floor shall, as soon as practicable, notify the Fire Command Station of the particulars.

[10] Fire Wardens on the floor above the fire shall, after executing the Fire Safety Plan, notify the Command Station of the means being used for evacuation and any other particulars.

E. The Building Evacuation Supervisor shall:

(1) Be responsible to the Fire Safety Manager for matters relating to fire safety.

(2) Be capable of directing the evacuation of the occupants as provided by in the Fire Safety Plan.

(3) During fire emergencies, staff the Fire Command Station and be responsible for the direction and execution of the evacuation as provided for in the Fire Safety Plan.

(4) Accept the mantle of the Fire Safety Manager's responsibilities when he/she is on-duty and become the key to the building's fire defense. No prudent owner of a high-rise building is going to place in charge an individual who is not capable of handling the evacuation of a scattered maintenance crew and perhaps a tenant's nighttime working force.

(5) The building evacuation supervisor has to know the Fire Safety Plan and the duties of the Fire Safety Manager. He/she must be able to operate under emergency conditions. The person has to be intelligent and quick witted.

F. The Fire Brigade shall:

(1) On the receipt of an alarm for fire:

(a) Report to the fire floor and the floor below the fire to assist in evacuation and provide information to the Fire Command Station.

(b) Attempt to control the fire until arrival of the North Hudson Regional Fire and Rescue, if the fire is small and conditions do not pose a personal threat.

(c) Leave one member on the floor below the fire to direct the North Hudson Regional Fire and Rescue to the fire location and to inform them of conditions.

(d) On arrival of the North Hudson Regional Fire and Rescue the fire brigade shall report to the Fire Command Station for additional instructions.

6. Requirements.

A. Fire Safety Plan.

(1) The Fire Safety Plan shall include but not be limited to the requirements of these Rules.

(2) Within ninety days after the adoption and publication of this Ordinance, the owner or other person having charge of an existing high-rise, shall submit their Fire Safety Plan to the Fire Official for approval. If such Fire Safety Plan is disapproved by the Fire Official, an amended or new Fire Safety Plan shall be resubmitted to the Fire Official within thirty (30) days after notice of such disapproval.

(3) The owner or other person having charge of a hereafter erected high-rise building of Use Group B, R-1 and R-2, shall submit a Fire Safety Plan to the Fire Official prior to issuance of a temporary or permanent "Certificate of Occupancy." The words "CERTIFICATE OF OCCUPANCY REQUESTED" shall be printed or typed on the top page of the Fire Safety Plan. No "Certificate of Occupancy" or "Temporary Certificate of Occupancy" shall be issued by the Building Department without approval of a Fire Safety Plan by the Fire Official.

(4) The applicable parts of the approved Fire Safety Plan shall be distributed to all tenants of the building by the building management when the Fire Safety Plan has been approved by the Fire Official.

(a) The applicable parts of the approved Fire Safety Plan shall then be distributed by the tenants to all their employees and by the building management to all their building employees.

(5) All occupants of the building shall participate and cooperate in carrying out the provisions of the Fire Safety Plan.

(6) The plan shall include but not be limited to:

(a) Location of nearest exits and alarms.

(b) Procedures to be followed when a smoke or fire alarm sounds.

(c) Procedures to be followed in the event of smoke or fire.

(7) A copy of the plan shall be readily available at all times within the building. The plan must be located at the Fire Command Center.

(8) An evacuation plan shall be conspicuously posted on every floor for the building occupant's use.

(a) Exception: In Use Group R-1, the evacuation plan shall be posted on the inside of each guest room door, other than a door opening directly to the outside at grade level.

(9) Where the owner of the building is also an occupant of the building he shall be responsible for the observance of this Ordinance and the Fire Safety Plan in the same manner as a tenant.

(10) In the event there are changes from conditions existing at the time the Fire Safety Plan for the building was approved and the changes are such so as to require changes, an amended Fire Safety Plan shall be submitted to the Fire Official within 30 days of the changes for approval.

B. Fire Command Station

(1) The Fire Command Station shall be established in the lobby of the building on the entrance floor. Such command station shall be adequately illuminated.

(2) The Fire Command Station shall be provided with the floor plan of the building and other pertinent information relative to the service equipment of the building.

(3) A copy of the Fire Safety Plan shall be at the Fire Command Station.

(4) A listing of all handicapped tenants and/or residents shall be at the Command Fire Station.

(5) The Fire Command Center shall maintain a comprehensive log which shall include:

(a) The name and signature of the Fire Safety Manager or the Building Evacuation Supervisor on-duty along with the date of arrival and departure.

(b) A description of each incident occurring, including the date, time, location and action taken. An incident shall include, but not be limited to, fire, alarm, alarm activation, trouble signal, fire protection equipment malfunction, and any unrecorded communication pertaining to fire or life safety which is made to or from the Fire Command Center.

(c) This log shall be readily available for Department of Public Safety inspection.

(6) Every 10th floor, (i.e., the 10th floor, the 20th floor, the 30th, etc.), a small room shall be designated and marked "Department of Public Safety Equipment" and shall contain four (4) lengths of 2½" hose and one smooth bore nozzle, one axe and one pike pool, to be utilized by the North Hudson Regional Fire and Rescue in emergency situations and be supplied by the building owner.

C. Communications and Fire Alarm.

(1) A means of communication and fire alarm for use during fire emergencies shall be provided and maintained by the owner or person in charge of the building.

(2) All occupants of the building shall participate in fire drills. However, tenants of the building, other than building service employees, are not required to leave through the exits during the drill.

(a) A written record of such drills shall be kept on the premises for a three-year period and shall be readily available for North Hudson Regional Fire and Rescue inspection.

D. Signs.

(1) Signs at elevator landings. A sign shall be posted and maintained in a conspicuous place on every floor at the elevator landing, indicating that in case of a fire, occupants shall use the stairs unless otherwise instructed. The sign shall contain a diagram showing the location of the stairs, except that such diagram may be omitted provided that signs containing such diagram are posted in conspicuous places on the respective floor.

(2) Floor numbering signs. A sign shall be posted and maintained within each stair enclosure on every floor indicating the initial floor, the number of the floor and the terminus of the stairway.

(3) Stair and elevator identification signs. Each stair and each bank of elevators shall be identified by an alphabetical letter. A sign indicating the letter of identification shall be posted and maintained at each elevator landing and on the side of the stair door from which egress is to be made.

(4) Stair reentry signs. A sign shall be posted and maintained on each floor within each stair on the occupancy side of each stair door, where applicable, indicating whether reentry is provided into the building and the floor where such reentry is provided

7. Certificate of Fitness.

A. Capabilities. The Fire Safety Manager shall have the following capabilities:

(1) Ability to conduct fire evacuation drills, evacuations and related duties such as organizing, training and supervising a fire brigade.

(2) Ability to supervise and staff a fire command station for implementation and direction of evacuation procedures in building under his/her control in accordance with the provisions of Department of Public Safety Rules and the Fire Safety Plan.

(3) Ability to develop and implement a fire prevention and protection program to uncover and correct hazards relative to exits and maintenance thereof.

(4) Show knowledge in fire extinguishing systems and appliances; fire doors in partitions, exit passageways and stairs; the posting of door, elevator and other informational signs; the storage and use of combustible or flammable materials.

B. Qualifications. The Fire Safety Manager shall have the following qualifications:

(1) Possess at least five (5) years' experience in fire protection and/or fire prevention activity or five (5) years' experience in a responsible position pertaining to operation of building service equipment as defined in the Building Code or a satisfactory combination or equivalent.

(2) Shall satisfactorily complete a course for Fire Safety Manager given by a school or other organization acceptable to the Department of Public Safety. The Department of Public Safety will issue a Certificate of Completion to the applicant after he/she has passed a written examination administered by the Department of Public Safety. The applicant shall possess such a Certificate of Completion when making an application for a Certificate of Fitness.

(3) Shall have the ability to pass an examination by a person or body designated by the Fire Official relative to the characteristics and occupancy of the building which is to be under the applicant's control and the duties connected with the service to be performed including, among others, the following:

(a) Certificate of Occupancy provisions.

(b) Height, area, construction and occupancy.

(c) Number, type and location of exits.

(d) Number type and location of areas of refuge, if any.

(e) Number, type, location and operation of elevators and escalators.

(f) Interior Fire Alarms, Special Alarms and/or Communication Systems.

(g) Standpipe system components and operation.

(h) Sprinkler system components and operation.

(i) Special extinguishing system components and operation.

(j) Number of persons normally employed in building.

(k) Number of persons normally visiting the building.

(l) Plan for fire evacuation drills and evacuation.

(m) Table of organization for drill plan and for fire brigade.

(n) Operation of service equipment such as power, light, heat, cooling, ventilation, air-conditioning, refuse disposal, firefighting, transportation, or similar facility.

(o) Alterations and repair operations and the protective and preventive measures necessary to safeguard such operations, with priority attention to torch operations and the introduction, storage and use of flammable commodities.

(p) Special occupancies in the building and the proper protection and maintenance thereof.

C. Procedures. A Certificate of Fitness requires two (2) levels of approval. The first is the general classroom qualification for Fire Safety Manager along with a Fire Department Examination. The second level is the specific qualification for the particular building for which he/she is employed. The qualifications are as follows:

(1) Level One: This level is achieved when an applicant completes a "Fire Safety Manager's course" in an institution approved by the West New York Fire Official. The applicant must then pass an examination by the West New York Fire Official and receive his/her Certificate of Completion. Employment as Fire Safety Manager in a particular building is not necessary for a Certificate of Completion.

(2) Level Two: This level is achieved when the applicant successfully passes an examination given by the Fire Official in the field, pertaining to the service equipment and the Fire Safety Plan for the specific building for which he/she is Fire Safety Manager.

(3) The applicant with the first level approval may continue employment as Fire Safety Manager while awaiting the second level approval.

(4) If the holder of a first and second level approval terminates employment with the building in which he/she is employed, the second level approval for that specific building which he/she left is automatically revoked and a new second level approval is required for his/her new building. The holder of the Certificate of Fitness and the building owner/manager shall promptly notify the Fire Official of such change of building.

8. Variations.

In buildings where compliance would cause practical difficulty or undue hardship, the Fire Official, at his discretion, may modify the requirements of these rules and accept alternatives fulfilling the intent of these requirements consistent with public safety.

9. Violations.

Any person who shall violate, or refuse, or neglect to comply with any provision of this Code shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not exceeding six (6) months, or both; and any such person shall, also, for each offense, be subject to the payment of a penalty in the sum of two hundred fifty dollars (\$250.00) to be recovered in a civil action brought in the name of the Fire Official.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

SECTION FOUR

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance applies to buildings or structures more than six (6) stories above grade or more than 75 feet above the lowest level accessible to the North Hudson Regional Fire and Rescue, and includes those of lesser height which are not accessible. The Ordinance creates a building-specific Fire Safety Manager and other related personnel who are responsible for fire safety related activities/issues in the building.

Introduced: 9/21/17

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 21, 2017** and ordered published, and will be further considered before final passage at a public hearing on **October 19, 2017 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk