



**CITY OF LAMBERTVILLE
WORK SESSION
7:00 P.M. THURSDAY, MAY 2, 2024, 2024
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING AGENDA**

- I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE
- IV. PUBLIC PARTICIPATION
- V. ORDINANCE – SECOND READING

i. ORDINANCE NUMBER 08-2024: CAP BANK ORDINANCE

CALENDAR YEAR 2024

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Council of the City of Lambertville City in the County of Hunterdon finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 44,700.62 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Lambertville City, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the City of Lambertville City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 156,452.18 and that the CY 2024 municipal budget for the City of Lambertville City be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCTION: April 4, 2024

PUBLIC HEARING: May 2, 2024

VI. PUBLIC HEARING AND ADOPTION OF THE 2024 BUDGET

VII. PROCLAMATION

a. Building Safety Month

Building Safety Month - May 2024

WHEREAS, the City of Lambertville is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings, and infrastructure play both in everyday life and when disasters strike; and

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians-building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers, and others in the construction industry-who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play; and

WHEREAS, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild land fires, floods, and earthquake; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety-our local code officials-who assure us of safe, efficient, and livable buildings that are essential to America's prosperity, and

WHEREAS, "*Mission Possible*," the theme for Building Safety Month 2024, encourages us all to raise awareness about building safety on a personal, local, and global scale, and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, the month of May 2024 is hereby proclaimed as Building Safety Month.

VIII. RESOLUTIONS

- a. Resolution Number 76-2024: *A Resolution to Authorize the Mayor and City Clerk to Sign the Strategic Plan for Funding Municipal Alliances, With a Total Budget in the Amount of \$7,960.00.*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor and City Clerk are hereby authorized to sign the Strategic Plan for Funding Municipal Alliances, from the Governor’s Council on Alcoholism and Drug Abuse for the continued education of the students who attend South Hunterdon Regional School District, in an amount not to exceed \$7,960.00.

- b. Resolution Number 77-2024: *A Resolution to Authorize the Submission to the New Jersey Board of Public Utilities for the Grant Application for the Community Energy Plan,*

RESOLUTION #77-2024

RESOLUTION AUTHORIZING THE APPLICATION TO THE
NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING
GRANT PROGRAM

WHEREAS, a sustainable community seeks to ensure that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Lambertville strives to assure clean land, air, and water for current and future generations; and

WHEREAS, New Jersey’s Energy Master Plan: Pathway to 2050 (“EMP”) established that community-level action is necessary to achieve the state’s goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state’s Energy Master Plan; and

WHEREAS, the City of Lambertville is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help [Municipality] to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state’s Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

THEREFORE, the Governing Body of the City of Lambertville has determined that the City of Lambertville should apply for the aforementioned Community Energy Planning Grant program; and

THEREFORE, the City of Lambertville will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering relevant data and for convening at least one public

meeting.

THEREFORE, BE IT RESOLVED, that Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

- c. Resolution Number 78-2024: *A Resolution to Authorize the Mayor, City Attorney, and City Clerk to Sign the Memorandum of Understanding with the State of New Jersey for the Acquisition of Properties through Blue Acres.*

Resolution Number 78-2024

A Resolution to Authorize the Mayor, City Attorney, and City Clerk to Sign the Memorandum of Understanding with the State of New Jersey for the Acquisition of Properties through Blue Acres.

WHEREAS, pursuant to N.J.S.A. 13:8C-49, the Blue Acres Program, administered by State of New Jersey, Department of Environmental Protections, has dedicated funding to acquire four properties destroyed by Hurricane Ida within the City of Lambertville, and

WHEREAS, the Memorandum of Understanding (“Agreement”), outlines the responsibilities for the acquisition of the properties by the State of New Jersey, which will need to be maintained by the City of Lambertville.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor, City Attorney and City Clerk are hereby authorized to execute the agreement with the State of New Jersey, Department of Environmental Protection for the acquisition of the following properties through the Blue Acres Program, administered by the State of New Jersey, Department of Environmental Protections.

ADOPTED: May 2, 2024

- d. Resolution Number 79-2024: *A Resolution to Authorize a Dedication By Rider Application to the State of New Jersey for Donations Collected to Support the Human Rights Council.*

Dedication by Rider
City of Lambertville

Resolution Number 79-2024

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATION OF FUNDS FOR THE HUMAN RIGHTS COUNCIL REQUIRED BY NJS 40A:5-29, FOR THE CITY OF LAMBERTVILLE’S HUMAN RIGHTS COUNCIL

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a

municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 40A:5-29 provides for receipt of the acceptance of bequests and gifts by the municipality to provide for the operating costs to administer this act; and, WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the acceptance of bequests and gifts are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Human Rights trust fund and NJS 40A:5-29.

The Clerk of the City of Lambertville, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted this 2nd day of May 2024 and certified as a true copy of an original.

IX. ORDINANCES – *Second Reading*

- a. ORDINANCE NUMBER 07-2024: *An Ordinance of the City of Lambertville, County of Hunterdon, State of New Jersey, Amending and Supplementing the Lambertville City Code, 2014, Chapter 11, Fire Prevention, Article 1 Uniform Fire Safety Standards to Establish a Designated Local Enforcing Agency Responsible for the Enforcement of the New Jersey Uniform Fire Code.*

ORDINANCE NUMBER 07-2024

An Ordinance Of The City Of Lambertville, County Of Hunterdon, State Of New Jersey, Amending And Supplementing Lambertville City Code, 2014 Chapter 11, Fire Prevention, Article 1 Uniform Fire Safety Standards To Establish A Designated Local Enforcing Agency Responsible For The Enforcement Of The New Jersey Uniform Fire Code

WHEREAS, the City of Lambertville (the “City”), for the preservation of the public health, safety and welfare of the municipality and its inhabitants, is concerned about the enforcement of the New Jersey Uniform Fire Code (N.J.A.C. 5:70 et seq.) and Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.); and

WHEREAS, the City wishes to comply with the regulations set forth by the Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.) and ensure that the duties of the Fire Marshal are performed on a regular basis by a competent, responsible agency designated by the City.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, County of Hunterdon, State of New Jersey, as follows:

SECTION 1.

Chapter 11, Article 1 of the City of Lambertville Code, “New Jersey Uniform Fire Code” is hereby repealed in its entirety and replaced with the following:

§ 11-1. ARTICLE I

Uniform Fire Code

11-1.1 Local enforcement.

Pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1.1 et seq., shall be locally enforced in the City of Lambertville.

11-1.2 Definitions.

The definitions contained within the New Jersey Uniform Fire Code shall be included herein by reference and shall be applicable to this chapter. The following definitions shall also apply to this chapter:

CITY: The City of Lambertville

FIRE MARSHAL: A person duly appointed by the local enforcing agency as the Fire Official as defined at N.J.A.C. 5:71.

NON-LIFE HAZARD USE: Any building, structure, premises, or uses not identified and designated as a life hazard use in accordance with N.J.A.C. 5:70-2.

11-1.3 Bureau of Fire Safety.

The local enforcing agency shall be the Bureau of Fire Safety under the jurisdiction and control of the Lambertville Fire District #1 Board of Fire Commissioners.

The Bureau of Fire Safety 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 the City other than owner-occupied one- or two-family and attached single family dwellings used exclusively for dwelling purposes; premises owned by or leased to and maintained by the federal government or any agency or instrumentality thereof; and interstate agencies, the State of New Jersey, or any agency or instrumentality thereof. In undertaking such enforcement, the Bureau of Fire Safety shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

The Bureau of Fire Safety shall consist of one Fire Marshal and as many Fire Inspectors, and support staff deemed necessary to ensure proper compliance with the Uniform Fire Safety Act.

The Lambertville Fire District #1 Board of Fire Commissioners shall specifically appoint legal counsel to assist and represent the local enforcing agency in all matters related to the Code.

11-1.4 Appeals to County Board of Appeals.

Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Safety shall have the right to appeal to the Hunterdon County Construction Board of Appeals.

11-1.5 Inspection of life-hazard and non-life hazard uses.

The Bureau of Fire Safety shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the New Jersey Commissioner of Community Affairs. Additionally, the Bureau of Fire Safety shall inspect non-life hazard uses on an annual basis.

11-1.6 Annual Registration of non-life hazard uses.

Non-life-hazard use registrations shall be processed by the Bureau of Fire Safety in compliance with the Uniform Fire Code.

Any property owned by the City shall be exempt from the non-life hazard use registration fees required under this section. Life hazard uses must still be paid to the State in accordance with N.J.A.C. 5:71-2.6(a).

In addition to the inspections required by the Uniform Fire Code, the owners of businesses and of other uses constituting industrial, commercial, professional services, educational multifamily residential, and other uses not classified as life-hazard uses by the Uniform Fire Code shall register annually with the Bureau of Fire Safety within 30 days of notice. Failure to comply will result in an assessment of a penalty of \$500.

Owners of non-life hazard uses shall pay to the local enforcing agency registration fees determined by the gross floor area of the use as follows:

Gross Floor Area (square feet)	Fee
Commercial Property – Under 499	\$75.00
Commercial Property – 500 to 999	\$100.00
Commercial Property – 1,000 to 2,999	\$125.00
Commercial Property – 3,000 to 5,999	\$150.00
Commercial Property – 6,000 to 8,999	\$175.00
Commercial Property – 9,000 to 11,999	\$200.00
Commercial Property – 12,000 to 17,999	\$300.00
Commercial Property – 18,000 to 24,000	\$400.00
Commercial Property – for up to each additional 1,000 square feet	\$50.00
Agricultural and/or Farm Property less than 5,000	\$75.00
Agricultural and/or Farm Property – 5,000 to 9,999	\$125.00
Agricultural and/or Farm Property – 10,000 to 15,000	\$175.00
Agricultural and/or Farm Property – up to each additional 1,000 square feet over 15,000	\$15.00
Retail or Commercial common area	\$200.00
Multiple-family residential dwellings:	
Each Private Unit:	\$45.00
Common Area:	\$125.00
Agricultural Employee Housing	\$300.00
Farm Market (as defined at N.J.S.A. 4:1C-3)	\$25.00
Parking Garages/Decks Above or Below Grade [One & Two Stories]	\$125.00
Parking Garages/Decks Above or Below Grade [Three Stories]	\$250.00
Each additional story	\$50.00
Solar Fields	\$150.00

Solar Mounted on the roof of an attached or detached building	\$175.00
Solar Mounted with vehicle parking underneath	\$200.00

The payment of the above fees shall be the responsibility of the owner of the non-life hazard use, except that the fee for the retail or commercial common area, multi-family dwellings, and other properties shall be the property owner’s responsibility. Fees are subject to change upon the adoption of an updated ordinance or the discovery of additional square footage in a structure or separate structure(s) that were not previously identified.

Failure to pay non-life hazard use registration fees. It shall be unlawful to refuse or fail to pay a non-life hazard use registration fee after being given notice to do so as per the established fee schedule in this chapter, pursuant to the Uniform Fire Safety Act. A penalty of \$500.00 shall be assessed for failure to pay an annual non-life hazard use registration fee. Any penalties assessed are in addition to other penalties previously assessed and shall be payable to the local enforcing agency.

11-1.7 Miscellaneous fees.

Certificate of Fire Code Status. Pursuant to the Uniform Fire Safety Act, upon the request of the owner or bona fide purchaser of a building or structure, the Fire Marshal shall issue a certificate either enumerating the violations indicated by its records to be unabated and the penalties or fees indicated to be unpaid or stating its records indicate that no violations remain unabated, and no penalties or fees remain unpaid. Such request shall be in writing and accompanied by a fee of \$25.

Any person who purchases a property without 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.

11-1.8 Smoke Alarm, Carbon Monoxide Alarm, Fire Extinguisher Compliance Inspection & Re-Occupancy.

Before any one- or two-family or attached single family dwelling is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC). The application fees for CSACMAPFEC, as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupancy is expected as follows:

Requests for CSACMAPFEC received more than 10 business days prior to change of occupancy shall be \$75.00

Requests for CSACMAPFEC received four to 10 business days prior to the change of occupancy shall be \$125.00

Requests for CSACMAPFEC received fewer than four business days prior to the change of occupancy shall be \$175.00

Failed Reinspection; Same Day Only. Requests for CSACMAPFEC for the same day as the original inspection shall be \$250.00

A reinspection fee of 50.00 for any owner/agent failing to meet the inspector during the time frame given for inspection or reinspection. The following reasons will result in a failed inspection:

The owner/agent fails to meet the inspector during the time frame given for inspection or reinspection.

The owner/agent does not have a key or is unable to give the Fire Marshal or designee access to the premises for the scheduled inspection or reinspection or

Electrical power to the premises is disconnected and the smoke alarm(s) to be tested are powered by electrical current from the building wiring system.

Snow and/or ice obstruct an acceptable walkway or driveway, deeming access unsafe. Snow and ice shall be clear for scheduled inspections.

The structure is deemed condemned by the construction official.

On January 15th of each year or when otherwise requested by the Fire Marshal or their designee, an owner, association, or other governing body of residential premises subject to this section shall provide information pertaining to a change of occupancy or ownership and shall provide the Bureau of Fire Safety with a list of all ownership and rentals where a change of tenancy and/or ownership has occurred during the preceding year for the purpose of ensuring compliance with this section. The list shall contain the street address of the owned or rental premises, the owner's name, the owner's address, and the date on which the new tenancy began.

11-1.9 Fire permit fees.

The following fees are hereby established for the types of permits described in the New Jersey Uniform Fire Code at N.J.A.C. 5:70:2.7(a)

Type 1: \$75.

Type 2: \$250.

Type 3: \$445.

Type 4: \$700.

Type 5: Reserved.

Exception: Where determined by the Fire Marshal, educational or religious programs involving attendees K-12 for overnight stays or related permits shall be exempt from the established local permit fees. Local Police, Fire, EMS, OEM, or any other or shared service town shall be exempt from select permit fees such as recreational activities, or other similar related activities, and activities or structures involved in emergency operations.

11-1.10 Violations; penalties.

The provisions of this article shall be enforced pursuant to the provisions of the Uniform Fire Safety Act.

Payment of penalties assessed shall be made in full within 30 days after notice was issued. If not, the collection will be referred to the local enforcing agency's legal counsel

appointed as herein provided for summary collection pursuant to the Penalty Enforcement Law, N.J.S.A 2A: 58-10 et seq.

§ 11-2. ARTICLE II

Rapid Entry Systems

11-2.1 When Required.

All buildings within the City having an automatic fire detection or suppression system shall be equipped with a rapid entry key lock box. However, this requirement shall not apply to owner-occupied one- and two-family and attached single family dwellings used exclusively for dwelling purposes.

All commercial and industrial properties within the City protected by fences, gates, and related barriers presently secured by using a padlock or electronically operated or automatic gates or other control circuits shall be equipped with a high-security padlock or high-security key switch as approved by the Fire Marshal. The high-security padlock and key switches shall be located as set forth in this chapter and in a manner as directed by the Fire Marshal.

All dwelling buildings that contain more than two units, including any common area between the individual units, and which common area is locked from the outside of the building.

All commercial and industrial properties.

All commercial structures that contain two or more individual separately located businesses, which contain a common area between such commercial units, and which is locked from the outside.

All daycare/nurseries

Public and private schools.

All municipal buildings.

All community clubhouses and recreation centers.

All places of worship.

Is 12,000 square feet or greater.

Has an elevator.

Has a history of chronic false or nuisance alarms, as defined in this chapter.

Contains large quantities of hazardous materials.

Is classified as a life hazard use in accordance with the State of New Jersey Uniform Fire Code.

Assisted living properties.

11-2.2 Rapid entry key lock box, high-security padlock, and key switch types.

The rapid entry key lock box, high-security padlock, and key switches shall be Underwriter Laboratories (U.L.) certified and approved by the Fire Marshal.

11-2.3 Location.

Each affected building or structure shall cause an appropriate rapid entry box to be permanently mounted at the main entrance to the building or property. The rapid entry box shall be accessible from outside the structure or building and shall be placed at a minimum height of five feet and a maximum of six feet above final grade or as otherwise approved by the Fire Marshal. The location on the outside of the building or structure shall be, as nearly as possible, uniform among similar types of structures to promote quick accessibility upon arrival of fire personnel at the scene of an emergency. Each rapid entry box shall be of sufficient size and configuration to allow the required contents, as set forth below, to be conveniently stored therein. To assure the acceptability of the chosen rapid entry box, each owner, tenant, or other responsible party of each affected structure or building shall receive approval from the Fire Marshal on the size and configuration of the proposed rapid entry box before installation.

11-2.4 Key lock box contents.

The key lock box shall contain labeled keys, easily identified in the field, to provide access to the property and/or building and to all locked rooms, spaces, or areas within the property, and as may be further directed by the Fire Marshal. The following listed below shall be a minimum of items required in each lockbox.

Keys and/or combinations to the fire alarm panel and pull stations.

A card containing a minimum of two (2) emergency contact names and telephone numbers for the facility.

All existing occupied buildings shall comply with this section within 18 months of the effective date of this section. All existing buildings not occupied on this section's effective date shall comply before occupancy. All existing buildings at a change of occupancy shall comply prior to re-occupancy. All buildings, structures, and other improvements under construction or newly constructed buildings not yet occupied shall comply immediately and, in all events, prior to occupancy.

11-2.5 Compliance.

All existing buildings shall comply with the provisions of this article. All newly constructed buildings, not yet occupied, or buildings currently under construction shall comply with the requirements of this article prior to the fire detection or fire suppression system being accepted and approved for service. The operator of the building shall immediately notify the Fire Marshal and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

11-2.6 Violations and penalties.

Any property or building owner failing to comply with or in violation of the terms of this article shall, upon conviction thereof, be punishable by a fine not to exceed \$1,000 and/or by imprisonment for up to 90 days and/or by a period of community service not

exceeding 90 days, in the discretion of the court. Every day that such a violation continues shall be considered a separate and distinct violation of this article.

§ 11-3. ARTICLE III

11-3.1 Interference with Fire Department operations and equipment.

Failure to comply with any section of this shall be punishable with fines.

Compliance with orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Chief, Fire Marshal, or recognized incident commander or interfere with the compliance attempts of another individual at a Fire Department operation.

Driving over fire hoses. A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alleyway, private drive, or any other vehicular roadway without the consent of the Fire Chief or recognized incident commander in command of said operation.

Resetting fire alarm systems. Activated fire alarm systems that result in a Fire Department and/or the Bureau of Fire Safety being dispatched to that location shall not be cleared or reset without approval from a responding Fire Department officer or their designee, Fire Marshal, or Fire inspector.

Silencing fire alarm systems. Activated fire alarm systems shall not be silenced until it has been clearly determined by on-site Fire Department personnel that the system activation is not due to smoke, carbon monoxide, or other fire conditions on the premises where the system is located.

Exceptions:

An owner-occupied one- and two-family and attached single family dwellings used exclusively for dwelling purposes.

Written permission from the Fire Marshal and Fire Chief

11-3.2 Fire Protection Systems.

Responsible Person. All commercial properties that have fire protection systems shall provide a list of twenty-four-hour contact persons. There shall be a minimum of two contacts. All emergency contacts must be capable of responding to the affected property within 30 minutes, have the authority to make proper notifications for emergency repairs, and shall have access to all areas of the affected property. The emergency contact list shall be provided to the Bureau of Fire Prevention. Any updates or changes to the list must be forwarded within seven days.

11-3.3 False Alarm of Fire Protection Systems.

The governing body finds that false fire alarms place an unnecessary and serious hazard to first responders and the residents of the City. Additionally, false fire alarms can

misdirect valuable firefighting resources and create a lack of equipment and manpower in the event of an actual emergency.

The purpose of this section is to facilitate the reduction of false fire alarms and the misuse of the manpower, and resources of the Fire Department caused by the dispatch of units to the scene of a false alarm.

11-3.4 Definitions.

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

ACT OF GOD - An unusual, extraordinary, sudden, or unexpected display of the forces of nature against which the science and the skill of mankind are of no avail.

ALARM CONSOLE - This shall mean the console or control panel of devices giving visual, audio, or electronic responses.

ALARM INSTALLATION - This shall mean any alarm device or combination of devices installed by one or more buildings in a location other than the alarm console.

ALARM SYSTEM - Any device or piece of equipment or an assembly of equipment and devices designed or arranged to signal visibly, audibly, electronically, mechanically, or by any combination of these methods the presence of a fire requiring urgent attention and to which the Fire Department is expected to respond.

ALARM USER Any person, whether owner, occupant, or tenant, residential or commercial properties, upon whose premises an alarm system is maintained or operated within the City, except for alarm systems on motor vehicles.

DIAL ALARM DEVICE - This shall mean that type of device using telephone lines transmitting an alarm through a central station alarm company and not directly through the Police switchboard.

FALSE ALARM - Shall mean the actuation of a fire alarm device, either directly or indirect, of any type to which the Fire Department must respond and for any automatic fire alarm, smoke alarm, fire sprinkler water flow alarm, or other fire protection system, that was not caused by an actual fire, smoke condition or other condition beyond the control of the owner, tenant, or resident.

FIRE PROTECTION SYSTEM - Shall include but not be limited to Central Station Alarm, Elevator, Fire Alarm, Fire Pump, Fire Sprinkler, Hood Suppression System, Standpipe, Smoke Control/Exhaust Systems, Smoke Detector System, Special Hazard System, Water Supply, or any appurtenances thereof.

LOCAL ALARM DEVICE - Shall mean any alarm or device which, when activated, produces a signal not connected to the alarm console, including, but not limited to, store fire alarm bell activating devices and residential or other type of alarm signal devices connected to private monitoring systems, which alarms may be relayed to the firehouse.

PERSON - Any individual, partnership, corporation, unincorporated association, or any group of persons.

POLICE ALARM DEVICE - Any type of alarm system actuating equipment in the alarm console providing a warning of fire or smoke.

11-3.5 False Alarm of Fire Protection Systems Record Keeping

The Bureau of Fire Prevention shall investigate and determine the cause of any false alarm, as defined in this section, and shall maintain a list of all false alarms. Said list shall identify the location of each false alarm, the number of false alarms at the location, and the determined reason for the false alarm.

11-3.4 False Alarm of Fire Protection Systems Reported to Lambertville Bureau of Fire Safety

Upon the determination that a false alarm has occurred, the Fire Chief or his designated representative shall promptly notify the Fire Marshal, who shall issue a municipal summons to the property owner.

11-3.5 False Alarm of Fire Protection Systems Penalty

In case of a false fire alarm, the Fire Department shall be notified, and the Chief and/or Fire Marshal shall participate in the investigation. The report of a false alarm shall be filed with the Fire Marshal, who shall determine the appropriate penalty in accordance with this code site.

There is no charge for the first false alarm in any year. The owner of any alarm device shall pay a penalty for any false alarm after the first false fire alarm within any one calendar year, January 1 through December 31.

Thereafter, a penalty shall be imposed for any subsequent false fire alarms within the same calendar year. The charge shall be determined by the total number of false alarms within the same calendar year in accordance with the following schedule:

False Alarm Number	Commercial Fine	Residential Fine
First	Warning Only	Warning Only
Second	\$50.00 \$80	Warning Only
Third	\$100.00	\$50.00 \$80
Fourth	\$200.00	\$100.00
Fifth	\$400.00	\$300.00
Sixth	\$800.00	\$400.00
Seventh	\$1,600.00	\$500.00
Eight & Additional	\$2,000.00	\$600.00

False alarms by contractors.

Licensed fire protection and alarm contractors who cause false/nuisance alarms by failing to ensure the systems they are working on are placed on test mode prior to beginning

work shall be issued a penalty of \$200.00 per offense they commit, regardless of address or location.

If the Fire Prevention Bureau determines that the cause of alarm is due to the failure of the alarm monitoring company or central station to take precautions to prevent the transmission of alarms during testing, maintenance, service, installation, or fire drills, that monitoring company shall be held responsible and issued a penalty of \$500.00.

If the Fire Prevention Bureau determines that the cause of the alarm is due to work being performed by a contractor, regardless of trade, said contractor shall be held responsible and issued a penalty of up to \$500.00.

11-3.6 False Alarm of Fire Protection Systems Penalty Exceptions

The provisions of this chapter shall not apply to general alerting alarms that may be used by fire companies, ambulance squads, or civil defense agencies to summon its members. Moreover, the provisions of this chapter do not apply to alarm systems affixed to motor vehicles.

Any owner or user of an alarm system who accidentally activates his or her burglar alarm and properly notifies the Police Department within three minutes after activation will not be charged with a false alarm.

This grace period shall not apply to false fire alarms.

11-3.7 False Alarm of Fire Protection Systems Penalty Collection

All provisions of the New Jersey Uniform Fire Code with respect to the maintenance of fire alarms shall continue to apply. The Bureau of Fire Safety shall provide one-half of the penalty amount to the dedicated penalty account for the primary fire department's jurisdiction in which the violation has occurred.

11-3.8 Recreational Fires

Legislative Findings; Policy; Purpose.

The governing body finds that recreational fires and burning of combustible materials in a residential setting may pose a serious hazard to the public health, safety, general welfare and the quality of life of the residents of the City . The public has a right to and should be ensured of an environment free from noxious fumes and the threat of fire. It is the intent of the governing body to prevent the danger of fire from open burning which is a detriment to the public health, comfort, safety, welfare and quality of life.

It is in the public interest that the provisions, prohibitions and controls hereinafter contained be enacted as a matter of legislative determination and public policy and be adopted for the purpose of securing and promoting the public health, comfort, safety, and general welfare and quality of life of the residents of the City.

11-3.9 Definitions.

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

CHIMINEA, OUTDOOR FIREPLACE, and OUTDOOR FIRE PIT: As defined by the manufacturers, shall mean approved containers for open burning.

FIREWOOD: Trunks and branches of 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.

RECREATIONAL FIRE: An outdoor fire where seasoned wood of approved dimensions is burned for entertainment.

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.

11-3.10 Regulation of Recreational Fires.

Recreational fires in approved containers shall be allowed without a permit at owner-occupied one- and two-family and attached single family dwellings used exclusively for dwelling purposes, subject to the requirements contained herein.

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 Chief or his designee.

All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks or embers.

Fires must be kept in the rear yard at least 15 feet from any structure or combustible exterior wall.

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.

No such fire or container used for open burning 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.

The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than two inches in diameter, treated or untreated lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited, except that kindling may be used to start a fire.

All open fires as set forth herein shall be extinguished no later than 12:00 midnight.

The Fire Chief or his designee, a police officer, or health officer may order any open fire, or use of a chiminea, outdoor fireplace or fire pit which creates a nuisance, to be extinguished.

11-3.11 Time Extension Requests.

Pursuant to N.J.A.C. 5:70-2.10(d), the request for a time extension may be granted. The request shall be applied for, in writing before an extension request can be considered.

SECTION 2: SEVERABILITY.

The various parts, sections and clauses of the Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3: REPEALED.

Any ordinances or parts therefor in conflict with the provisions of the Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication as provided by law.

INTRODUCTION AND FIRST READING: April 4, 2024

i. PUBLIC HEARING AND SECOND READING: May 2, 2024

- X. RESOLUTION NUMBER 80-2024: *A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Memorandum of Understanding with the Lambertville Fire District #1 Board of Fire Commissioners Serving as the Local Enforcing Agency for Enforcement of the Uniform Fire Safety Act, For the Submitting of Monthly Reports and Bi-Annual Review.*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor, City Attorney and City Clerk are hereby authorized to Sign the Memorandum of Understanding (MOU) with the Lambertville Fire District #1 Board of Fire Commissioners, for the submittal of monthly reports and a bi-annual review of the services.

ADOPTED:

XI. ANNOUNCEMENTS

a. CONVENIENCE CENTER HOURS

- i. Saturday, May 4, 2024, and May 18, 2024, from 9 am to 12 noon
- ii. Wednesday, May 15, 2024, from 3 – 5 pm

XII. DISCUSSION

City of Lambertville

Work Session

7:00 p.m. Thursday, May 2, 2024

Phillip L. Pittore Justice Center, 25 South Union Street

MEETING AGENDA

Page Number 18

- XIII. CORRESPONDENCE
- XIV. PUBLIC PARTICIPATION
- XV. ADJOURNMENT