

**BOROUGH OF PENNINGTON
ORDINANCE 2026-3**

**ORDINANCE CHANGING ENFORCEMENT AGENCIES UNDER THE BOROUGH
FIRE PREVENTION CODE, AMENDING
CHAPTER 104 OF THE CODE OF THE BOROUGH OF PENNINGTON**

WHEREAS, the Borough of Pennington (“Borough”) is responsible for certain fire inspection services under the Uniform Fire Safety Act (N.J.S.A. 52:27D-192, et seq.), including respectively life-hazard uses and non-life hazard uses as defined in the Act and related regulations;

WHEREAS, Borough Council seeks to reorganize its enforcement activities to defer to the Division of Fire Safety in the Department of Community Affairs for inspection of life-hazard uses while bringing inspection services for non-life-hazard uses in house by employing a Borough fire official;

WHEREAS, pending the appointment of a properly qualified fire official under the Fire Safety Act, the Borough will defer to the Division of Fire Safety for inspection services for both life-hazard and non-life-hazard uses;

NOW, THEREFORE, BE IT ORDAINED, by Borough Council of the Borough of Pennington, that Chapter 104 of the Borough Code is hereby amended (with new language underlined and deleted language crossed out) as follows:

1. Section 104-1. Local Enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983,c. 1983; N.J.S.A. 52:27D-202; and N.J.A.C. 5:71-2.3), the New Jersey Uniform Fire Code shall be enforced with respect to life-hazard uses in the Borough of Pennington by the Division of Fire Safety in the New Jersey Department of Community Affairs ~~locally within the established limits of the Borough of Pennington. Enforcement with respect to non-life-hazard uses within the jurisdiction of the Borough of Pennington shall be performed locally by a properly qualified fire official employed by the Borough for that purpose. When the Borough has not appointed such an official, or there is a vacancy in the position, the Borough shall defer to the Division of Fire Safety in the Department of Community Affairs for inspection services relating to non-life-hazard use as well.~~

2. Section 104-2. Agency Designation.

The ~~local~~-enforcing agency for the Borough of Pennington shall be the ~~Hopewell Township Fire Commissioners Bureau of Fire Safety~~ New Jersey Department of Community Affairs except the enforcing agency for non-life-hazard uses shall be the Borough of Pennington subject to its appointment of a properly qualified fire official under the Uniform Fire Safety Act.

3. Section 104-3. Duties.

The ~~local~~-enforcing ~~agencies~~ agency for the Borough of Pennington shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the jurisdiction of the Borough of Pennington, ~~other than owner-occupied one and two family dwellings~~, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

4. Section 104-4. Life-hazard uses.

In accordance with Section 104-2 of this chapter, the Division of Fire Safety in the New Jersey Department of Community Affairs ~~The local enforcing agency established by Section 104-22 of this article shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the Department of Community Affairs of the State of New Jersey.~~

5. Section 104-5. Non-life-hazard uses.

The Fire Official appointed by the Borough of Pennington in accordance with Section

~~104-2 of this chapter~~ ~~The local enforcing agency established by Section 104-2 of this article shall carry out the inspections of inspection services for non-life-hazard uses as defined by the Uniform Fire Code on behalf of the Commissioner of the Department of Community Affairs of the State of New Jersey.~~ When the Borough has not appointed a fire official or there is a vacancy in that position, these services shall be performed by the New Jersey Department of Community Affairs as above provided.

6. Section 104-6. Fees.

The fees authorized by the Uniform Fire Safety Code (P.L. 1983, c.383, N.J.S.A. 52:27D-192, et seq.) and N.J.A.C. 5:70-2.9(c) are set forth in Chapter 98 of this Code. The payment of required fees for life-hazard uses and other industrial and commercial uses shall be the responsibility of the occupant of the premises. The payment of fees required for multifamily dwellings shall be the responsibility of the owner of the premises. The above-described fees shall be paid by the responsible party on or before the date specified in the notice served upon said party by the Fire Official, which date shall be at least 30 days from the date of the notice.

104-7 Appointment of Fire Official, inspectors and employees.

- A. Appointment of Fire Official. The local enforcing agency, when charged with inspection of non-life-hazard uses, shall be under the supervision of a the Fire Official who shall be appointed by the Pennington Borough Council subject to applicable legal requirements ~~Hopewell Township Board of Fire Commissioners, Fire District No. 1, under the authority of an interlocal services agreement.~~
- B. Term of office. The Fire Official shall serve for a term of one year.
- C. Inspectors and employees. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Pennington Borough Council ~~Hopewell Township Board of Fire Commissioners, Fire District No. 1, under the authority of an interlocal services agreement~~ upon the recommendation of the Fire Official.
- D. ~~Removal from office. Inspectors and other employees of the enforcing agency shall be subject to removal by the Hopewell Township Board of Fire Commissioners, Fire District No. 1, for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.~~

7. Section 104-8. Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act (N.J.S.A. 52:27D-206 and 27D-208), any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Mercer County.

AND BE IT FURTHER ORDAINED, that this Ordinance shall be effective upon its passage and publication as provided by law.

Introduced: _____
Advertised: _____
Public Hearing: _____
Adopted: _____
Published: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

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RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				