

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

ORDINANCE 2025-12

**AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF BERKELEY HEIGHTS TO REGULATE
THE BUREAU OF FIRE PREVENTION**

WHEREAS, the Uniform Fire Safety Act (P.L. 1983, c. 383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose; and

WHEREAS, the Mayor and Township Council for the Township of Berkeley Heights have determined that it is in the best interest of the Township to have the Uniform Fire Safety Act enacted locally, by and through the Bureau of Fire Prevention; and

WHEREAS, the Mayor and Township Council for the Township of Berkeley Heights have determined that it is in the best interest of the Township to re-organize and re-structure the Bureau of Fire Prevention as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council that:

SECTION I. Section 8.20.040, "Fire Prevention Bureau" of Chapter 8.20, "Fire Prevention Code," of the Township Code of the Township of Berkeley Heights is hereby amended as follows:

There is hereby established, as a division of ~~the Berkeley Heights Volunteer Fire Department~~
~~Number 1 Code Enforcement~~, a bureau to be designated as the "Bureau of Fire Prevention."

- A. The Council shall annually appoint a Fire Official and such number of fire inspectors as the council, ~~upon the recommendation of the Fire Chief,~~ shall deem adequate to perform the services required by this chapter. The term of office shall be from January 1 to December 31. Any unexpired term shall be filled for the balance of the year only. The Fire Official shall be certified by the state as set forth in N.J.A.C. 5:71-4.3, et seq., but need not be a member of the Fire Department and appointed from a list of three names submitted by the chief of the fire department. There shall be at least one paid inspector. The Council may appoint such additional employees as it may deem appropriate.
- B. The members of the Fire Prevention Bureau shall be appointed by the Council ~~based upon the recommendation of the Chief of the Fire Department.~~ Members should, but are not required, to have and shall be individuals with a minimum of five years of service with the Fire Department and, in the event the duties to be performed so require, shall hold the appropriate license or certificate from the State of New Jersey.

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C. The Fire Official, inspectors, and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body of a hearing officer designated by same.

~~D. Under the supervision of the Fire Official, t~~The Bureau of Fire Prevention shall be that arm of ~~the Fire Code Enforcement Department~~ enforcing the provisions of the New Jersey Uniform Fire Code in the Township designed to conserve life and property. It shall be the duty of the Fire Official to enforce or have enforced the provisions of the Fire Prevention Code, all laws, ordinances, and state, county or federal laws having to do with fire prevention, safety, and control and the Fire Official shall supervise all activities of the Fire Prevention Bureau.

~~D.E.~~ The Bureau shall submit written reports no less than once per month to the Department Head for Code Enforcement ~~chief~~ describing the activities of the Bureau for the preceding month. Those reports shall contain accounts of all proceedings under this code and shall include statistics as may be requested by the ~~chief~~ Department Head for Code Enforcement. Those reports may contain such recommendations for improved fire prevention as the Bureau shall deem necessary.

~~E.F.~~ The Township Attorney shall be legal counsel to assist the Bureau in enforcing the New Jersey Uniform Fire Code.

SECTION II. Section 2.112.190, "Fire Prevention Code" of Chapter 2.112, "Fire Department," of the Township Code is hereby deleted in its entirety and marked as RESERVED.

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This Ordinance shall take effect after passage and publication in the manner provided by law.

Angie Devanney, Mayor

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Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				Manuel Couto						
	X	X				John Foster						
		X				Margaret Illis						
			X			Bill Machado						
		X				Andrew Moran						
X		X				Susan Poage						
Introduced: <div style="text-align: center;">March 4, 2025</div>						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: <div style="text-align: center;">March 18, 2025</div>												
						_____ Angela Lazzari, Township Clerk						