

**TOWNSHIP OF ROCHELLE PARK
ORDINANCE NO. 1008-09**

**AN ORDINANCE TO AMEND CHAPTER 102 OF THE CODE
OF THE TOWNSHIP OF ROCHELLE PARK TO ADD A SECTION
ENTITLED ‘FIRE WATCH’**

WHEREAS, the Township Committee in consultation with the Fire Department and Fire Official have determined that a need exists for the establishment of a procedure for Fire Watches in such cases as they may be required pursuant to the provisions of New Jersey Law; and

WHEREAS, a International Fire Code, which was adopted in the State of New Jersey pursuant to the provisions of N.J.A.C. 5:70-3.1 provides for the circumstances under which a Fire Watch must be established; and

WHEREAS, in addition to those instances under which a Fire Watch must be established, the need exists, from time to time, for the establishment of a Fire Watch by virtue of an agreement between a property owner and the Fire Department and / or Fire Official; and

WHEREAS, in order to provide for uniformity the establishment of a Fire Watch, the Township Committee has determined that an Ordinance should be established for the same.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

SECTION ONE: SYSTEMS OUT OF SERVICE

Where a required fire protection system is out of service, the Fire Department and the Fire Code Official shall be notified immediately and, where the Fire Code Office and Chief of the Fire Department determine that an imminent hazard exists, the building shall be evacuated or an approved Fire Watch shall be provided for all occupants left unprotected by the shut-down until the fire protection system has

been returned to service. In addition, agreement to provide a Fire Watch may be entered into between a representative of the property owner and the Fire Chief or Fire Code Official in those circumstances where such a Fire Watch is desired.

SECTION TWO: **FIRE SERVICES**

Members of the Fire Department may be available for service as Fire Watch personnel only at such time as will not interfere with the efficient performance of emergency duty for the Township, with the approval of the Fire Chief and fire Official. The application for such services shall be made known to the Fire Chief and the Chief financial Officer either in writing or verbally. The application for fire Watch by the responsible building representative as required by the Fire Official shall set forth pertinent information concerning the location of the Fire Watch, the number of fire service personnel and estimated duration of such services. The application for such services shall be reviewed by the Fire Chief and the fire Official to determine if there is any reasonable probability that such outside employment will interfere with a member's performance or compromise a member's position with the Township through a conflict of interest or if there is any reasonable probability that the particular service requested would reflect unfavorably upon the firefighter or the Fire Department.

SECTION THREE: **PAYMENT**

- A. Upon receipt of an application for such services and approval of same by the Fire Chief, Chief financial Officer and Fire Official, the building representative shall execute a "Agreement to Perform Fire Watch Coverage" in the form provided by the fire Official which shall provide, *inter alia*, for the building representative to pay to the Treasurer of the Township a certain amount in cash, check or money order as is set forth herein or as may be fixed from time to time by Resolution of the township Committee as compensation for such services.
- B. The rate of compensation to the Township shall be determined based upon the fixed amount of pay with an additional 20% surcharge of the total amount billed to cover administration, insurance, equipment and other related costs:
(\$35 + 20% = \$42 per hour payment for such services per firefighter)
- C. The total amount of the cost to perform Fire Watch duty shall be paid to the Township within fifteen (15) days after such duty has been performed.

COLLECTION OF FEES

- A. The Fire Official or his designee shall be responsible for the collection of the aforesaid fees and shall maintain an accurate accounting thereof and shall turn these funds over to the Township Treasurer as prescribed by State

requirements.

- B. The township Treasurer then shall present a monthly accounting report to the Township Committee.

SECTION FOUR: REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION FIVE : SEVERABILITY

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

VIRGINIA DE MARIA,
Municipal Clerk