**#26-52**

**AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 179 OF THE TOWNSHIP CODE, ENTITLED "FIRE PREVENTION"**

**BE IT ORDAINED** by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Section 179-5 entitled "Duties," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-5. Duties.**
The Bureau of Fire Prevention of the Township of Manchester shall enforce the Uniform Fire Safety Act and the Uniform Fire Code, and all regulations adopted thereunder in all buildings, structures and premises within the Township of Manchester, other than owner-occupied one- and two-family dwellings, and shall comply with all of the requirements of the Uniform Fire Safety Act and the Uniform Fire Code, other than owner-occupied one and two – family dwellings used exclusively for dwelling purposes and premises owned or operated by the Federal Government, State of New Jersey, County of Ocean, or interstate agencies, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniformed Fire Code.

**SECTION 2.** That Section 179-6 entitled "Life Hazard Uses," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-6. Life hazard uses.**

The Bureau of Fire Prevention of the Township of Manchester established pursuant to § 179-4 shall conduct and carry out the periodic inspection of life hazard uses and buildings, as required by the Uniform Fire Code, on behalf of the Commissioner of Community Affairs. All penalties will be enforced in accordance with the N.J. Unform Fire Code (N.J.A.C. 5:70-2.12 & 5:70-212A, shall be adopted for the purpose of enforcement against any person or persons, or firm, partnership, or corporation violating any of the provisions of the code.

**SECTION 3.** That Section 179-7 entitled "Organization," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-7. Organization.**

The Bureau of Fire Prevention of the Township of Manchester established

pursuant to § 179-4 shall be part of the ~~Department of Administration~~ Manchester Township Fire Department and under the direct supervision and control of the Manchester Township Fire ~~Marshal~~ Official. who shall report to the ~~Director of Inspections, Land Use and Planning for general direction~~ Director of Emergency Services.

~~A. The Bureau of Fire Prevention shall be directly responsible to the Director of Inspections, Land Use and Planning, who shall provide general direction.~~

B. The Township Attorney is hereby appointed as the legal counsel to assist the Bureau of Fire Prevention in the enforcement of the code. The Township Attorney shall advise the agency and take such actions at law as the Township Fire ~~Marshal~~ Official shall deem necessary to gain compliance with the code.

**SECTION 4.** That Section 179-8 entitled "Appointments, term of office, duties and removal," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-8. Appointments, term of office, duties and removal.**

A. Appointment of Fire ~~Marshal~~ Official. The Bureau of Fire Prevention shall be under the direct supervision of a Municipal Fire ~~Marshal~~ Official who shall be appointed by the Township Mayor of the Township of Manchester. The Fire ~~Marshal~~ Official also may be the Fire Subcode Official appointed pursuant to the State Uniform Construction Act.

B. Fire ~~Marshal.~~ Official

(1) Term of office. The Municipal Fire ~~Marshal~~ Official shall serve for a term of one year commencing January 1 and ending December 31 of each year, but the initial appointment shall commence on the date of appointment and terminate December 31 of the year of initial appointment.

(2) ~~Certification~~ Licensed. No person shall be appointed as Fire ~~Marshal~~ Official unless ~~certified~~ licensed in accordance with Subchapter 4, N.J.A.C. 5:71-4.

(3) Vacancies in the office of Fire ~~Marshal~~ Official. Any vacancies created in the office of Fire ~~Marshal~~ Official shall be filled for the unexpired term in accordance with this section.

C. Deputy Fire ~~Marshal~~ Official, licensed Fire Inspectors, and employees. The Deputy Fire ~~Marshal~~ Official, licensed Fire Inspectors, and other employees as shall be deemed necessary for the proper operation of the Bureau of Fire Prevention shall be appointed by the Mayor on the recommendation of the Fire ~~Marshal~~ Official.

D. Duties of Fire ~~Marshal~~ Official, Deputy Fire ~~Marshal~~ Official, and Fire Inspectors. It shall be the duty of the Fire ~~Marshal~~ Official, Deputy Fire ~~Marshal~~ Official, and Fire Inspectors to enforce the code and regulations in accordance with the Uniform Fire Safety Act and Uniform Fire Code.

E. Salaries. Salaries of the Fire ~~Marshal~~ Official, Deputy Fire ~~Marshal~~ Official, and Fire Inspectors shall be established in accordance with the Salary Ordinance of the Township of Manchester. ~~In the event that the Fire Marshal and Fire Subcode Official are the same person, the salary shall be adjusted accordingly by the Township in the Salary Ordinance.~~

F. Removal or suspension.

(1) The Fire ~~Marshal~~ Official, Deputy Fire ~~Marshal~~ Official, and Fire Inspectors and employees of the Bureau of Fire Prevention shall be subject to removal or suspension by the Township Administrator for inefficiency, misconduct or violation of the Uniform Fire Code, the regulations for code enforcement or of this article.

(2) by Fire ~~Marshal~~ Official, Deputy Fire ~~Marshal~~ Official, and Fire Inspectors so

removed or suspended shall be notified in writing of the grounds for the proposed removal or suspension and shall be given an opportunity to reply, in writing or in person, to the Township Administrator within 10 days of receipt of the notification. The Fire ~~Marshal~~ Official, Deputy Fire ~~Marshal~~ Official, and Fire Inspectors shall be notified, in writing, of the final determination of removal or suspension within five days after receipt of the written or verbal reply.

(3) Each Fire ~~Marshal~~ Official, Deputy Fire ~~Marshal~~ Official, and Fire Inspectors so removed or suspended shall be afforded an opportunity to be heard by the Township Council or designated hearing officer by filing a written notice of appeal with the Clerk of the Township within five days of receipt of the final determination of removal or suspension. The decision of the Township Council or designated hearing officer shall be final.

**SECTION 5.** That Section 179-10 entitled "Additional required inspections and fees," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-10. Additional required inspections and fees.**

~~In addition to the inspection fees required pursuant to the Act and the regulations of the Department of Community Affairs for life hazard uses, the following additional inspections and fees shall be required:~~ In addition to the inspection and fees required pursuant to the Act and regulations of the Department of Community Affairs, the following additional inspection and fees for those uses not defined as life-hazards uses shall be required to be inspected on a annual basis. Any non-life hazard classifications that require permit fees will be required to pay permit fees and inspection fees. All non-life hazards and businesses located in Manchester Township will be inspected on an annual basis and will pay the following registration fees and any permit fees as required by N.J.A.C 5:70 Permit Fee Schedule. All penalties of violation or complaints will be enforced in accordance with the N.J. Unform Fire Code (N.J.A.C. 5:70-2.12 & 5:70-212A, shall be adopted for the purpose of enforcement against any person or persons, or firm, partnership, or corporation violating any of the provisions of the code.

| Type of Use | Fee |
|---|---|
| Nonresidential & Business/Mercantile | |
| Nonresidential & Business/Mercantile less than 400 square feet | ~~$40~~ $75 |
| Nonresidential & Business/Mercantile 400 to 2,500 square feet | ~~$60~~ $90 |
| Nonresidential & Business/Mercantile 2,501 to 5,000 square feet | ~~$80~~ $110 |
| Nonresidential & Business/Mercantile 5,001 to 12,000 square feet | ~~$100~~$235 |
| Nonresidential & Business/Mercantile greater than 12,000 square feet | ~~$125~~ $250 |
| Multiple dwellings: | |
| First building | ~~$75~~$100 |
| Additional buildings | ~~$25~~ $35 |

| | |
|---|---|
| Amusement/entertainment less than 100 people | ~~$100~~ $125 |
| Restaurant less than 50 people | ~~$75~~ $100 |
| Residential smoke detector compliance | ~~$100~~ $110 |
| Inspection requests | |

| Type of Use | Fee |
|---|---|
| Inspection request 24 hours or less before closing - an additional | $200 |
| ** Payments must be received by 3:00 p.m. for next day inspection whether in-person or via on-line citizen portal** | |
| Reinspection Fee — missed appointments and locked doors at no fault of the Inspector | $50 |
| A failed reinspection shall result in an additional $100 fee. In addition, units found to be deficient for a smoke alarm and/or a carbon monoxide detector will result in a $100 reinspection fee. | |
| Assembly use: | |
| Less than 50 occupants | ~~$75~~$100 |
| Amusement/entertainment less than 100 people | ~~$100~~ $125 |
| ~~Business use/mercantile use:~~ | |
| ~~Less than 400 square feet~~ | ~~$40~~ |
| ~~Between 401 and 2,500 square feet~~ | ~~$60~~ |
| ~~Between 2,501 and 5,000 square feet~~ | ~~$80~~ |
| ~~Between 5,001 and 12,000 square feet~~ | ~~$100~~ |
| ~~Greater than 12,000 square feet~~ | ~~$125~~ |

A. All non-life-hazard uses shall be inspected annually. Non-life hazard uses shall be invoiced during the month of January of said calendar year. Non-life hazards that fail to pay inspection fee will be subject to a $200.00 late fee that will compound for each month of late payment. All non-life hazard businesses located in the Township of Manchester shall register as a non-life hazard and pay an annual inspections fee.

B. Rapid Entry System will be required on all mercantile occupancies and multi-residential occupancies in the Township. The Key box acceptable for Manchester Township Fire Prevention is the UL listed type Knox Box System and shall contain keys necessary to access all areas, alarm boxes, pull stations and service areas that are secured. The Knox Box shall be installed in a manner approved by the Fire Official.

C. A semi-annual Mobile Food Truck Type 1 permit with a fee of $200 may be assigned by the Fire Prevention Bureau. This semi-annual Type 1 Permit would allow the applicant to operate at multiple events during the course of the year (1st Session: January-June; 2nd Session: July-December) within the Township. The applicant is required to give the Bureau at least 3

business days' notice prior to the event. All requirements for a semi-annual permit shall be the same as for a single-use permit.

**SECTION 6.** That Section 179-12 entitled "Residential rental units and re-occupancy," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-12. Residential rental units and re-occupancy.**

A. Applications – All rental, re-occupancy and resales must be inspected annual and will be in compliance for one year post inspection date. Applications for residential rentals, re-occupancy for resales or rental units shall be required to comply with regulations of this chapter. In the case of residential rental units, landlords must also comply with the provisions in Chapter 242.

B. Rental for certain time periods prohibited.
   (1) Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of less than 30 days.
   (2) The lease or rental, for any purpose, of any amenity, feature, accessory or appurtenance to or associated with a dwelling shall be prohibited.
   (3) Nothing in this article will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of 30 days or more.

C. Inspection fees.
   (1) An inspection fee will be required as per § 179-10 and is to be paid to the Township of Manchester prior to the issuance of the certificate of re-occupancy. No fee will be charged for the first reinspection, if necessary, for the issuance of a certificate of occupancy. In the event a unit fails a reinspection, a full inspection fee shall be paid for each reinspection thereafter. No certificate of occupancy will be issued until all fees are paid in full. See § 179-10 for a full explanation of fees.
   (2) No owner, agent or owner, real estate agent or broker, firm, company, partnership, corporation, bank or person or persons, friend, relative, or business acquaintance, shall sell, rent, transfer, grant, lease, let, mortgage, or allow the right of occupancy or otherwise dispose of the ownership or occupancy thereof; whether or not for consideration of chattel, currency or trade of and whether such disposal of ownership or occupancy be temporary or permanent, any dwelling, dwelling unit, rooming house, rooming unit, boardinghouse, condominium, or the premises on which such a building is located and is used or intended to be used for human occupancy until a certificate of re-occupancy approval be obtained from the enforcing officer of this article or his agent stating that the building so described therein complies with the Uniform Fire Code, officially adopted property maintenance code and is furthermore in compliance with Chapter 430, Article I, Water Connections, of the Township Code.

D. Nonpermitted uses.
   (1) The following shall not be permitted to operate as rentals, pursuant to this section: hotel, motel, studio hotel, rooming house, dormitory, public or private club, convalescent home, rest home, home for aged people, adult family care homes, assisted living

facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, senior housing, nursing homes, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families, any housing operated or used exclusively for religious, charitable or educational purposes, or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

(2) Rentals shall not be permitted in a multiple dwelling in which rent is set by HUD, set by a state agency, set by an agreement with the owner/developer.

E. Regulations.

It shall be unlawful for any owner/agent of any property within the geographic bounds of the Township of Manchester, Ocean County, New Jersey, to rent, operate, or advertise a rental in a manner that is contrary to the procedures and regulations established in this section or applicable state Law.

(1) The rental owner/agent shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a rental.

(2) The rental owner/agent shall publish the rental permit number issued by the Township in every print, digital, or internet advertisement and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the rental is advertised.

(3) In no event shall a dwelling be rented to anyone younger than 21 years of age. The property occupant of all rentals executing the agreement between the owner and the occupant must be over the age of 21 and must be the party who will actually occupy the property during the term of the rental. The primary occupant may have guests under the age of 21 who will share and occupy the property with them. Both the primary occupant executing the rental agreement and the owner/agent shall be responsible for compliance with this provision, and shall both be liable for a violation, where the rental is not occupied by at least one adult over the age of 21, during the term of the rental.

F. Enforcement/penalties.

(1) The provisions of this article shall be enforced by the Fire Official, as their jurisdiction may arise, including legal counsel for the Township or other persons designated by the Township Council to issue municipal civil infractions directing alleged violators of this article to appear in court or file civil complaints.

(2) Any person found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding $1,250. Each day of such violation shall be a new and separate violation of this article.

**SECTION 7.** That Section 179-17 entitled “Parking,” of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-17. Parking.**

A. Upon a finding that such action is necessary for the public safety, the Fire ~~Marshal~~ Official may require the owner or owners of any shopping center, commercial structure, place of public assembly, multiple dwelling group, industrial park, office building, hotel or motel, school, or any other privately owned premises upon which the public shall be invited, to designate "Fire Zone" in the driveways of the premises leading to and from the parking

areas, loading areas, public streets or rights-of-way leading to the above type building or structures.

(1) Such fire zones, also to be known as "fire lanes," shall be no less than 10 feet or more than 50 feet in width and shall be striped and lettered in yellow on a paved surface, such striping and lettering to remain legible at all times. Metal "Fire Zone" signs, the lettering or same to be legible at all times, shall be provided, erected and maintained by the owner or owners and placed at the discretion of the Fire ~~Marshal~~ Official. The signs are to be of design and quality and lettered in accordance with applicable state law and approved by the Fire ~~Marshal~~ Official and shall be in accordance with Drawing No. 1 attached hereto.[4]

(2) The Fire ~~Marshal~~ Official may recommend to the Township Council fire zones for public land or publicly owned structures or premises as fire zones in the interest of public safety.

B. No person shall, at any time, park a vehicle, or in any other manner, obstruct any driveway or other area that has been designated as hereinabove provided as a "Fire Zone."

**SECTION 8.** That Section 179-18 entitled “Special regulations for shopping centers,” of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-18. Special regulations for shopping centers.**

A. Fire zones shall be established in all shopping centers to ensure fire equipment and other emergency vehicles unobstructed means of ingress and egress to properties and buildings located therein in the event of a fire or other emergency.

B. The number, location, dimensions and markings of such areas shall be determined by the Fire ~~Marshal~~ Official based upon the size, type and location of the buildings in such shopping centers; the type of uses contained therein, the number of motor vehicles operated and parked upon the property, the number of persons using and occupying the premises, the existing means of ingress and egress, the total area of property and other relevant factors.

C. The Fire ~~Marshal~~ Official is authorized to regulate, restrict and prohibit the parking and operation of motor vehicles in and near such fire areas, and to impose other reasonable regulations necessary to ensure that such areas are free from obstructions.

**SECTION 9.** That Section 179-19 entitled “Enforcement,” of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-19. Enforcement.**

The Fire ~~Marshal~~ Official and the Police Department of the Township of Manchester shall have concurrent jurisdiction to enforce the provisions of this article.

**SECTION 10.** That Section 179-21 entitled “Definitions,” of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-21. Definitions.**

As used in this article, the following terms shall have the meanings indicated and follow all applicable International Fire Code, New Jersey Edition, Section 505.1 as adopted by N.J.A.C 5:70. All number of buildings will be enforced as the code standard.

BUILDING NUMBER — A number designation existent or assigned to a dwelling unit, commercial property, or industrial building in the Township.

AUXILIARY BUILDING NUMBER — A number designation for a cluster of units sharing common walls within a subdivision or industrial building or corporate complex, subdivided in order to accommodate more than one tenant.

**SECTION 11.** That Section 179-28 entitled "Enforcement; violations and penalties," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-28. Enforcement; violations and penalties.**

A. Any owner, agency, or a person or corporation who shall violate any provision of this article or fail to comply therewith or with any of the requirements thereof, shall be subject to a penalty to be determined by the Fire ~~Marshal~~ Official.

B. The Fire ~~Marshal~~ Official of the local enforcing agency shall be responsible to enforce this article as an amendment to N.J.A.C. 5:70 et seq., and penalties may be assessed as provided in the New Jersey Uniform Fire Prevention Code.

C. The maximum penalty for violation of any provision of this article shall be $1,000.

D. Each and every day in which a violation of any provision of this article exists shall constitute a separate violation.

E. The maximum penalty stated in this article is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

**SECTION 12.** That Section 179-30 entitled "Definitions," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-30. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

FIRE SUPPRESSION COSTS — Those costs as defined at N.J.A.C. 5:70-2.13, Fire Department Cost, of the New Jersey State Uniform Fire Code. It is the cost incurred by the fire companies/ departments in the suppression of any fire in a building under violation which the fire causes directly or indirectly a result of the violation. To create an obligation, the violation need not have been the initial cause of the fire.

False Alarms- Any property containing a fire sprinkler alarm or a fire alarm system shall not have activated more than six false alarms in any one calendar year. Any activations of seven or more false alarms in said calendar year shall be deemed a fire alarm nuisance and shall be subject to penalties and additional actions as required.

Nuisance Fire Alarm definition. An alarm which results in notification to the Fire Department for cause other than those for which the system was designated or intended to react. The alarm

shall not be consider false if caused by a power or telephone line interruption.

**SECTION 13.** That Section 179-31 entitled "Rates," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-31. Rates.**

The costs incurred for fire suppression costs shall include, but not be limited to, costs of labor, equipment and materials used in the fulfillment of the assignment, as well as any other actual expenses incurred. Rates for service shall be as follows. These rates are based on per hour or fraction thereon.

A. For each ladder truck and/or aerial truck: ~~$150~~ $350 per hour.

B. For each tanker and/or pumper: ~~$100~~ $300 per hour.

C. For each lighting truck and/or rescue vehicle: ~~$75~~ $100 per hour.

D. For each special use emergency vehicle: ~~$50~~ $75 per hour.

E. For each hour of time rendered by a fire service member: ~~$20~~ $50 per hour.

F. Certified fire inspector response $100 per hour.

**SECTION 14.** That Section 179-32 entitled "Permit requirements," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-32. Permit requirements.**

Whenever the Fire ~~Marshal~~ Official shall determine that on-site inspector(s) or fire-fighting personnel shall be required for fire watch as a result of fire-protection system failure or deficiencies, or fires safety at any occupancy or event to ensure the safety of the public or emergency responders, the owner or occupant responsible shall obtain a permit for the use of the event. Any time the Fire Official determines that an occupancy requires a Fire Watch due to the failure of a fire-protection system shall also be placed on mandated Fire Watch and will reimburse the Township all required fees as determined below.

A. The Fire ~~Marshal~~ Official shall determine the number of inspectors and/or fire-fighting personnel required.

B. The Fire ~~Marshal~~ Official shall determine the hours that the fire inspector(s) and/or fire-fighting personnel will be on duty.

~~C. The permit fee shall cover the expenses incurred by the local enforcing agency.~~

~~D. The fee for the permit shall include:~~

~~(1) Compensation for fire inspector(s).~~

~~(2) The rate for use of vehicles shall be $25 per hour.~~

~~(3) Reimbursement rates for other related services, equipment, or expenses shall be provided to the owner by the Fire Marshal prior to the scheduled use or event.~~

**SECTION 15.** That Section 179-33 entitled "Right of access," of the Code of the

Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-33. Right of access.**

Fire ~~Marshal~~ Official or designee(s) shall have right of access to the premises and area surrounding it without interference from the property owner.

**SECTION 16.** That Section 179-36 entitled "Fees," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-36. Fees.**

Any occupancy or event requiring fire apparatus and fire-fighting personnel on site to insure the safety of the public and/or other occupants, and/or to insure the safety of any building and/ or exposures, shall reimburse the Township of Manchester the following fees, The below fees do not include any violations assessed by the Township Fire Prevention. The following fees will be reimbursed to the Township in ninety (90) days for a $500 per day late fee will be added to the overall balance. If an owner/owner or responsible party is contacted and requested to respond to ta building or business due to the activation of fire alarm, fire sprinkler system, or other conditions warranting emergency response and does not have available a responsible representative to arrive within one hour of contact or notification, a standby fee, as stated below shall be instituted for every one hour of accumulated time that the Fire Department and/or inspector must remain on scene until arrival.

A. For each ladder truck and/or aerial truck: ~~$150~~ $350 per hour.

B. For each tanker and/or pumper: ~~$100~~ $300 per hour.

C. For each lighting truck and/or rescue vehicle: ~~$75~~ $100 per hour.

D. For each special use emergency vehicle: ~~$50~~ $75 per hour.

E. For each hour of time rendered by a fire service member: ~~$20~~ $50 per hour.

F. Certified fire inspector response $100 per hour.

**SECTION 17.** That Section 179-38 entitled "Refuse containers," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-38. Refuse containers.**

A. All active construction sites and locations shall be provided with noncombustible refuse container(s) in such numbers as shall be necessary to contain all combustible refuse generated by the construction activities.

B. All combustible refuse, rubbish and debris shall be cleaned up and deposited in the container(s) on a daily basis. Refuse container(s) shall be a minimum of 20 feet away from any building, structure, lot line, or combustible storage location.

C. The owner of a garbage dumpster or refuse container located in a designated fire zone, fire lane, fire area, or drafting/pumping location within ten (10) feet of a hydrant, in violation of 179-1 shall be subject to a fine of not more than $500 per day or in accordance with N.J.A.C 5:70-2.12 and 5:70-2.12A

**SECTION 18.** That Section 179-40 entitled "Occupied buildings," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-40. Occupied buildings.**

When construction activities take place in occupied buildings, special fire safety precautions shall be taken as required by the Fire ~~Marshal~~ Official in accordance with the Fire Prevention Code.

**SECTION 19.** That Section 179-41 entitled "Fire-protection equipment," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-41. Fire-protection equipment.**

A. When fire-suppression, -detection or -alarm systems or devices are affected by construction activities, their downtime shall be kept to a minimum. When possible, isolation of system components shall occur to ensure operation in unaffected areas.

B. When fire-protection systems or devices are removed from service, the Fire ~~Marshal~~ Official is to be notified and a fire watch shall be posted if deemed necessary by the Fire Marshal. When the area affected is of a high-hazard use, normal operations and occupancy of the area may be required to be suspended by the Fire ~~Marshal~~ Official until protection is restored.

**SECTION 20.** That Section 179-42 entitled "Access," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-42. Access.**

A. Temporary all-weather surface roads, gravel or equivalent, capable of supporting a thirty-ton emergency vehicle, shall be provided at all times for fire department vehicular access to all structures under construction and storage of combustible materials.

B. Access to such locations shall be within 100 unobstructed feet at all times.

C. Every dead-end roadway more than 300 feet in length shall be provided at the closed end with a temporary turnaround acceptable to the Fire ~~Marshal~~ Official.

**SECTION 21.** That Section 179-47 entitled "Training purposes," of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-47. Training purposes.**

Upon the recommendation of the Fire ~~Marshal~~ Official and the approval of the Director of Public Safety, the local fire departments may use open burning for training purposes.

**SECTION 22.** That Article IX entitled "General Precautions," of Chapter 179 of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

**§ 179-48. Equipment rooms.**

In accordance and enforced within the International Fire Code, New Jersey Edition 70, no storage of any kind shall be permitted within any mechanical equipment, electrical, furnace, or boiler room.

**§ 179-49. Barbecue grills.**

In accordance and enforced within the International Fire Code, New Jersey Edition 70:

A. Propane, natural gas, and charcoal barbecue grills shall not be located for use within or upon any room or space of a building, or upon any porch, balcony or any other portion of a building, or within five feet laterally of any building wall or overhang. Barbecue grills shall not be stored within five feet laterally of any building wall or overhang.

   (1) Exception: one- and two-family detached owner-occupied dwellings.

B. Responsibility. Condominium associations, homeowner associations, property managers, and/or owners of residential complexes and common areas shall be required to actively pursue compliance with this requirement as their routine control over such common areas through notices, newsletters, and enforcement of their own rules and regulations.

**§ 179-50. Secondary containment of spills or leaks.**

In accordance and enforced within the International Fire Code, New Jersey Edition 70, provisions for secondary containment of spills or leaks shall be provided for all storage tanks, vessels, or containers containing flammable, combustible, or other hazardous liquids exceeding five gallons in quantity within any building or on any premises. Containment structure or device shall hold 115% of the capacity of the tank, vessel, or container. Containment shall be constructed of materials that are compatible to and impermeable by the liquid contained within the tank or container.

**SECTION 23.** That Article X entitled "E-Mobility Devices and Lithium-Ion Batteries," of Chapter 179 of the Code of the Township of Manchester, be and hereby is created, to read as follows:

## Article X

## E-Mobility Devices and Lithium-Ion Batteries

**§ 179-51. Definitions.**

E-MOBILITY DEVICE — A battery-powered transportation device, including but not limited to electric bicycles or bikes (E-Bikes), electric scooters (E-scooters), hoverboards and other similarly powered mobility devices.

LITHIUM-ION BATTERY — A storage battery in which an electrical current is generated by lithium-ions embedded in a carbon graphite or nickel metal-oxide substrate placed in a high-viscosity carbonate mixture or gelled polymer electrolyte.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) — Applicable to this chapter, a private sector organization that performs certification for E-Mobility and Lithium-Ion Battery products to ensure that they meet the specific applicable UL Standards 2271, 2272 and/or 2849. Each NRTL uses

its own unique registered certification mark(s) to designate product conformance to the applicable product safety test standard.

RETAIL STORE — A retail establishment within the Township of Manchester that sells or stores E-Mobility devices, E-bikes, E-scooters, Lithium-Ion batteries and other similarly powered mobility devices to consumers.

SECOND-USE LITHIUM-ION BATTERY — A Lithium-Ion battery that has been assembled, repurposed, reconditioned or renewed using cells removed from used batteries.

UL — Underwriters Laboratories is a global safety science company that develops standards to ensure products and systems are safe and meet industry standards.

UL 2271 — The UL Standard for Batteries for Use in Light Electric Vehicle Applications, or any storage battery for a powered bicycle or mobility device.

UL 2272 — The UL Standard for Electrical Systems for Personal E-Mobility Devices, for all powered mobility devices, including E-Scooters.

UL 2849 — The UL Standard for Electrical Systems for E-Bikes, for the electrical system of any powered bicycle.

UNREGULATED LITHIUM-ION BATTERY — A Lithium-Ion battery in a E-Mobility device, such as an electric bicycle or electric scooter, that is not listed and labeled by a nationally recognized testing laboratory and does not have a NRTL certification mark on it such as the UL mark or that specific NRTL's unique registered certification mark.

WAREHOUSE — A warehouse within the Township of Manchester that sells, ships or stores E-Mobility devices, E-bikes, E-scooters, Lithium-Ion batteries and other similarly powered mobility devices as part of their inventory.

**§ 179-52. Sale and storage of E-Mobility Devices and Lithium-Ion Batteries.**

A. The sale and storage E-Mobility Devices, such as electric bicycles, electric scooters, hoverboards, and Lithium-Ion Batteries are prohibited unless such devices and batteries have been listed and labeled by a nationally recognized testing laboratory and has a NRTL certification mark on it such as the UL mark or that specific NRTL's unique registered certification mark and have been tested to the applicable UL Standard (UL 2271, 2272 and/or UL 2849). A list of NRTLs can be found on the OSHA website https://www.osha.gov/nationally- recognized-testing-laboratory-program/current-list-of-nrtls. Be advised that not all the NRTLs listed test to UL 2271, UL 2272 and UL 2849 Standards.

B. Retail Stores and Warehouses shall be prohibited from maintaining any unregulated E-Mobility Devices and Lithium-Ion Batteries within their inventory located in the Township of Manchester.

C. Prior to the sale or storage of any E-Mobility Device or Lithium-Ion Battery, the applicable UL Test Report for each model or device for sale or being stored shall be supplied to the Fire Prevention Bureau to ensure compliance with the applicable UL Standard for each E-Mobility Device and Lithium-Ion Battery.

D. Retail Stores shall only be permitted to display one uncharged model of each E-Mobility Device powered by a Lithium-Ion battery being sold at any time. If the battery is removable, the battery for any such display devices within a retail store shall remain in its original packaging and shall be stored in a secure area within the establishment that complies with all safety requirements set forth in this chapter for Lithium-Ion battery storage and charging.

E. All E-Mobility Devices must be stored in an uncharged state, with its original packaging and its original manufacturer supplied charger.

F. Fire safety and charging safety information about E-Mobility Devices and Lithium-Ion Batteries must be supplied by the seller to the purchaser of the E-Mobility Device at the time of sale.

G. All E-Mobility devices, other than display models, shall remain boxed and safely stored within the original packaging.
H. Retail stores or warehouses that sell or store E-Mobility Devices are required to have a monitored fire alarm system. If the building is more than one story or of a mixed-use occupancy, there shall be a monitored wet-sprinkler system present in addition to the monitored fire alarm system which shall extend into the common areas of the building and basement.
I. If the retail store or warehouse sells or stores individual Lithium-Ion Battery Packs for E-Mobility Devices, a fire-resistant metal storage cabinet of sufficient size to hold as many E-Mobility Lithium-Ion batteries as in stock shall be used. The cabinet is required to have self-closing, self-latching doors with flame-arresting vents.
J. All individual Lithium-Ion batteries stored in a retail stores or warehouses are to be stored in the fire-
resistant cabinet at all times, except when the battery packs are being charged for delivery to customers.
K. Retails Stores are prohibited from charging any Lithium-Ion batteries while they are stored inside the fire-resistant storage cabinet. Lithium-Ion batteries are only permitted to be charged immediately prior to delivery to the customer.
L. Warehouses are prohibited from charging any E-Mobility Lithium-Ion batteries that are to be sold or shipped individually or with E-Mobility Devices.

**§ 179-53. Sale of second use Lithium-Ion Batteries and Lithium Polymer Batteries prohibited.**

A. It shall be unlawful to assemble or recondition a lithium-ion battery and/or using cells. removed from used storage batteries; and/or
B. It shall be unlawful to sell or offer for sale a lithium-ion battery that uses cells removed from used storage batteries.

**§ 179-54. Lithium-Ion Battery charging restrictions.**

A. E-Mobility devices and Lithium-Ion batteries are prohibited from being stored or charged within the common areas of any multi-family residential properties including but not limited to means of egress (entrances and exits), hallways, stairwells or basements.
B. Lithium-ion batteries shall be charged within a retail store on a wheeled metal cart with a quick-disconnect function from a wall outlet. A surge proof power strip may be secured to the cart to accommodate the charging of additional lithium-ion batteries, if necessary.
C. Stores that charge Lithium-Ion batteries shall have a 32-gallon galvanized pail that is half filled with water, an eight-foot-by-eight-foot fireproof blanket, or a "Cell Block" lithium-ion battery containment tank in the immediate vicinity of the Lithium-Ion battery charging cart.
D. Overnight and/or unattended charging of any Lithium-Ion batteries is prohibited.
E. At least one Class A, B, and C fire extinguisher shall be mounted within easy reach of the charging station to extinguish any possible fire extension.

**§ 179-55. Disposal of Lithium-Ion Batteries.**

A. Proper disposal of Lithium-Ion batteries shall be in accordance with state and local regulations.
B. Lithium-Ion Batteries are prohibited from being disposed of in the regular trash or curbside recycling.
C. To properly dispose of Lithium-Ion batteries, take them to a household hazardous waste event such as the Ocean County Hazardous Waste Collection Day, drop them off at participating retailers like Home Depot or Target, or visit a Call2Recycle.org drop-off location.

**§ 179-56. Violations and penalties.**

A. A person or entity who violates any section within this article or any rule or regulation promulgated thereunder shall be liable for a penalty as follows:

For first violation, a civil fine of up to $2,000 in addition to the penalty from the Fire Prevention Bureau.

2. For each subsequent violation issued for the same offense within two years of the date of the first violation, a civil fine of $2,000 in addition to the penalty from the Fire Prevention Bureau.
3. All unregulated E-Mobility Devices and Lithium-Ion Batteries are subject to seizure by the Township of Manchester. The costs of properly disposing of the unregulated Lithium-Ion Batteries and E-Mobility Devices shall be billed to the business and property owners.

**§ 179-57. Enforcement.**

A. The Township of Manchester Fire Department, Police Department and Code Enforcement shall be responsible for performing inspections of all stores within the Township of Manchester every three months that sell E-Mobility Devices and Lithium-Ion Batteries.
B. The Township of Manchester Fire Department, Police Department and Code Enforcement shall have the authority for the enforcement of all aspects of this chapter.

**SECTION 24**. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 25.** This Ordinance shall take effect after final approval and publication according to law.

**NOTICE**

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Manchester, in the County of Ocean and State of New Jersey on the 26th day of October 2026 and was then read for the first time. The said ordinance will be further considered for final passage by the Township Council in the Town Hall at 6:00 p.m. on November 9th 2026. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Teri Giercyk, RMC/CMC
Municipal Clerk

POSTED ON WEBSITE 10/27/2026 TLG