

**TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE #23-1709

AN ORDINANCE AMENDING CHAPTER 8, BUILDING, HOUSING AND FARMING, SECTION 8-1.6(3) AND (4) OF THE TOWNSHIP OF MONTGOMERY MUNICIPAL CODE

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Montgomery, that Chapter 8, Building, Housing and Farming, Section 8-1.6, Smoke-Sensitive Alarm Devices of the Code of the Township of Montgomery is hereby amended and supplemented as follows:

SECTION 1. § 8-1.6 Smoke-Sensitive Alarm Devices is hereby amended and supplemented by inserting the text **marked in bold** and deleting the text ~~[bolded and stricken through in brackets]~~ to read as follows:

§ 8-1.6 Smoke-Sensitive Alarm Devices.

c. Before any one- and two-family or attached single-family structure 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:

1. Requests for CSACMAPFEC received more than 10 business days prior to change of occupancy shall be \$65.00.
2. Requests for CSACMAPFEC received four to 10 business days prior to the change of occupancy shall be \$125.00.
3. Requests for CSACMAPFEC received fewer than four ~~[to 10]~~ business days prior to the change of occupancy shall be \$185.00.
4. ~~[The inspection fee shall include an initial inspection and one (1) reinspection (if needed). Any additional reinspection shall be an additional fee of \$65.00.]~~ Any additional re-inspections shall be an additional \$65.00 fee.
5. A no-show inspection shall be subject to a \$65.00 fee.

(a) A no-show inspection means:

- (1) The owner/agent fails to meet inspector within ten (10) minutes of the appointed time for inspection or reinspection; or
- (2) The owner/agent does not have a key or is unable to give the Fire Official access to the premises for the scheduled inspection; or
- (3) Electrical power to the premises is disconnected and smoke [detectors] alarms to be tested are powered by electrical current from the building wiring system.

d. An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this section when the premises do not comply with the requirements hereof, or without complying with the inspection and certification requirements hereof, shall be subject to a fine of not more than \$600.00, which shall be collected and enforced by the Bureau of Fire Prevention. No certificate of smoke alarm, carbon monoxide alarm and portable fire extinguisher compliance shall be issued until all fees due and penalties assessed under this subsection are paid.

SECTION 2. REPEALER

Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed as to such inconsistencies.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

**TOWNSHIP OF MONTGOMERY
COUNTY OF SOMERSET**

Lisa Fania
Township Clerk

Devra Keenan
Mayor

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that the foregoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey at a meeting held on November 9, 2023 and the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of December 7, 2023 beginning at 7:00 p.m. at the Municipal Building, 100 Community Drive, Skillman, NJ at which time all interested persons will be heard. Copies of the ordinance can be obtained, without cost, by any member of the general public at the Municipal Clerk's office between the hours of 8:00 a.m. and 4:30 p.m.