

BOROUGH OF KENILWORTH
ORDINANCE NO. 2016-09

**AN ORDINANCE REQUIRING THE INSTALLATION OF A KEY LOCK BOX EMERGENCY
ACCESS SYSTEM FOR USE BY THE KENILWORTH FIRE DEPARTMENT DURING AN
EMERGENCY OR ANY OTHER ACTION DEEMED NECESSARY BY THE KENILWORTH FIRE
DEPARTMENT AND ADDING SECTION 11 TO CHAPTER 165 OF THE MUNICIPAL CODE
OF THE BOROUGH OF KENILWORTH**

AUTHORITY: The Authority for this legislation is derived from N.J.S.A. 40:48-2, entitling municipalities to make and enforce ordinances and regulations it deems necessary and proper for the protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The key lock box emergency access system has also been adopted by Section 506 of the International Fire Code 2006, New Jersey Edition.

PURPOSE: The purpose of the proposed legislation is to promote the health, safety, and welfare of the Borough's citizens and business owners by allowing the Borough Fire Department to gain access to structures when same is not occupied or when the occupants are unable to grant ingress to the Fire Department. The improved access will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts in gaining access to locked structures during an emergency.

OBJECTIVE: By enabling quick access to buildings, the proposed legislation will also reduce the risk of rapid extension of fire and other hazardous conditions. Such a reduction will decrease dangers to firefighters, and help minimize the spread of property damage.

NOW THEREFORE THE GOVERNING BODY FINDS

- A) the health, safety, and welfare of the citizens of the Borough of Kenilworth ("Borough") are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Borough Fire Department in gaining access to the structure when responding to calls for emergency service; and
- B) many buildings are equipped with automatic systems that may cause the Borough Fire Department to be summoned at a time of emergency when the building or business is not occupied or when the occupant is not available to provide the Borough Fire Department entry into the building; and
- C) the key lock box emergency access system will eliminate costly damage from forcible entry into buildings equipped with automatic systems by the Borough Fire Department checking for fire or other dangerous conditions; and
- D) the Borough Fire Department can reduce the potential for rapid expansion of fire and other hazardous conditions by quick access and decrease dangers for firefighters; and
- E) key lock box emergency access system has been adopted by Section 506 of the International Fire Code 2006, New Jersey Edition; and

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- F) key lock box emergency access system will operate on a controlled master key basis by the Borough Fire Department and/or the Police Department; and
- G) Borough is authorized to pass this Ordinance pursuant to N.J.S.A. 40:48-2, and pursuant to the Borough's police powers.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Kenilworth in the County of Union and the State of New Jersey, that the title to Chapter 165 of the Borough Code is changed from "*Smoke Detectors*" to "*Smoke Detectors and Lock Boxes*" there should be created a Chapter 165, Section 11 of the Ordinances of the Borough, entitled "Key Lock Box Emergency Access System," which shall provide as follows:

165-11.0 KEY LOCK BOX EMERGENCY ACCESS SYSTEM

165-11.1 Definitions

Automatic Dialer shall refer to a device that automatically dials and relays a prerecorded message to a central station or the fire department.

Automatic Fire Suppression System refers to a system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the National Fire Protection Association (NFPA) standards, which utilize water, foam, carbon dioxide, or other gas to automatically react to suppress fire.

Fire Official shall refer to the Fire Chief or his/her designee.

Central Station shall refer to an office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.

Key Lock Box also commercially known as a KNOX Box shall refer to a secure rapid entry system that is designed to be used by Fire Department Personnel in the event of an emergency to gain entry into a structure by using the enclosed owner-provided key(s). This box is usually mounted on the exterior of the building in a location that is specified by the Fire Official. All boxes shall be UL (Underwriters Laboratories) certified, Knox Box brand, and approved by the Fire Official.

Standpipe System shall refer to a wet or dry system of piping, valves, outlets and related equipment designed to provide water or a fire retardant at specified pressures and installed exclusively for the fighting of fires.

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165-11.2 Structures to Be Equipped with a Key Lock Box

Unless otherwise determined in writing by the Fire Official, the following structures shall be equipped with a Key Lock Box of a type and size and at a location approved by the Fire Official:

- a) All new commercial buildings shall be equipped with a Key Lock Box prior to the issuance of the certificate of occupancy.
- b) All existing commercial buildings constructing additions, major renovations, or changes of use that require Borough Zoning or Planning Board approval, shall be equipped with a Key Lock Box prior to the issuance of any necessary permits.
- c) All existing commercial buildings with new occupancies by tenants shall be equipped with a Key Lock Box prior to the issuance of a Certificate of Continued Occupancy.
- d) Each building protected by an automatic fire suppression and/or standpipe system and not manned twenty four (24) hours a day, seven (7) days a week.
- e) Each building protected by an automatic fire alarm system (automatic dialer, central station, external audible/visual alarm) and not manned twenty four(24) hours a day, seven (7) days a week
- f) Multi-family residential structures that have restricted access through locked doors but have a common corridor for access to the living units, including but not limited to condominium buildings.
- g) Schools, whether public or private.
- h) Governmental structures and nursing care facilities, unless the building is staffed or open 24 hours a day, 7 days a week.
- i) Any other commercial building that the Fire Marshall reasonably believes it would benefit from having a secure lock book

165-11.3 Key Lock Box Contents

The property owner is required at all times to keep a key(s) in the Key Lock Box that will allow access to the structure. The Key Lock Box shall contain, but not be limited to, the following items as designated by the Fire Official:

- a) Labeled keys to locked points of ingress and egress, whether in interior or exterior of such buildings;
- b) Labeled keys to the locked mechanical rooms;
- c) Labeled keys to locked elevator rooms and controls;
- d) Labeled keys to any fence or secured areas;
- e) Labeled keys to areas of the building where fire alarm panels and fire protection systems are located;

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- f) Labeled keys to any other areas that may reasonably be required by the Fire Official;
- g) A card containing the emergency contact names and phone numbers for the building;
- h) Floor plans of the rooms within the building showing locations of shut-offs;
- i) Hazardous materials information; and
- j) An inventory of the keys.

The property owner shall notify in writing the Borough Fire Department when any or all of the locks or keys have been changed and shall keep the immediate area of the Key Lock Box free and clear of any and all obstructions.

11.4 Registration and Installation of Key Lock Boxes

The property owner shall apply for a registration for a Key Lock Box on forms provided by and obtained from the Fire Official. A registration with a check made payable to the Borough in the amount of \$150.00 is required prior to the installation of a Key Lock Box in order to verify the proper size, mounting location and installation of said Key Lock Box. The Key Lock Box shall be installed at a location approved by the Fire Official. No Key Lock Box shall be installed, voluntarily or otherwise, without first obtaining the approval of the Fire Official. The property owner shall be responsible for the cost to purchase, install, and maintain the Key Lock Box.

165-11.5 Compliance

165-11.5.1 All existing buildings required to have a Key Lock Box shall comply with this Ordinance within one (1) year from the date notified by the fire official. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply immediately upon passage of this Ordinance. In any event, the owner of any structure in the Borough with hazardous material in sufficient quantities to be a significant threat as determined by the Fire Official shall comply with this ordinance within sixty (60) days from receipt of written notice from the Fire Official. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be borne by the property owner and/or business owner.

165-11.5.2 On even numbered years, each Key Lock Box shall be inspected for continued compliance with regard to all the required contents. The property owner and/or business owner shall pay for the re-inspection twenty five dollars (\$25) per key in the Lock Box.

165-11.6 Penalties

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11.6.1 Any property owner and/or business owner failing to comply with this Ordinance shall be subject to a fine of not more than Two Hundred (\$200) Dollars nor less than One Hundred (\$100) Dollars for each day of violation or non-compliance.

11.6.2 Any tenant that has changed a lock to an area which has a key I the Lock Box and has failed to provide a key to the Fire Official shall be subject to a fine of not more than Two Hundred (\$200) Dollars nor less than One Hundred (\$100) Dollars for each day of violation or non-compliance.

11.6.3 If a landlord or tenant is a business entity such as a Corporation or LLC or LLP which is in violation of this Ordinance, than the president of the corporation or the managing member shall be personally responsible for the penalty imposed and if not paid within ten business days shall be subject to arrest for up to thirty days.

165-11.7 Severability:

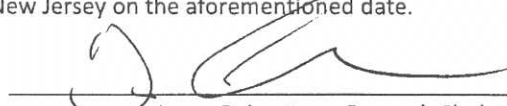
Each section, subsection, sentence, clause and phrase of this Article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Article.

165-11.8 Repealer:

All Borough ordinances and parts of ordinances that are inconsistent with this ordinance are hereby repealed.



Anthony DeLuca, Jr., Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
X		X				KAY CECERI	✓		✓			
		X				LAWRENCE CLEMENTI			✓			
	X	X				PETER CORVELLI			✓			
		X				GERRY LAUDATI			✓			
		X				NICHOLAS MASCARO		✓	✓			
					X	SCOTT PENTZ			✓			
Introduced: Sept. 14, 2016						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: Oct. 12, 2016												
						 Laura Reinertsen, Borough Clerk						