



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

July 31, 2019

Municipality: Union City
LEA Code: 0910-001
Fire Official: Louis L. Miranda

Louis L. Miranda, Fire Official
Union City Fire Prevention Bureau
3715 Palisade Avenue
Union City, NJ, 07087

Re: Field Monitoring Visit

Fire Official Miranda;

N.J.A.C. 5:71-2.10 provides that the Division of Fire Safety shall institute a regular program of monitoring local enforcing agencies to ensure the Code is being properly enforced. Recently, a Division Fire Code Assistance Representative made an initial field visit to your local enforcing agency.

Our representative reviewed your LEA operation's including matters involving the local ordinance, staffing, finances and records relating to registration, permits, inspections and penalties. After considering the information, it appears that the LEA operation and Code enforcement activities are basically consistent with the standards of the Uniform Fire Code except as noted below.

We require you make the changes or take the corrective action indicated in order to comply with Code requirements.

LEA OPERATIONS

1. Our field visit disclosed that your municipality has not appointed a certified fire official. N.J.A.C. 5:71-4.3 specifies the procedure to follow in appointing a fire official. This Section provides:

LEA OPERATIONS-(continued)

2. Some life hazard uses have been identified but not all life hazard uses within your jurisdiction have been identified and inspected. Please be advised that the identification of life hazard uses must be given priority consideration and a system established to ensure identification. The following buildings visited during our visit needs to be registered as Life Hazard uses; **(Previously noted in Audit conducted in August '06)**
 - Auto repair shop at 3136 Summit Avenue
 - Union city Police Garage 2214 Kennedy Boulevard
 - Union City Municipal Building 3715 Palisade Avenue
 - Benjamin Moore 711 23rd Street

3. Our monitoring revealed deficiencies related to enforcement of Subchapter 4, “retrofit” provisions of the State’s Fire Safety Code. Due to the nature of these Code requirements, you must devote immediate attention to their enforcement in the uses in your jurisdiction. Review all LHU’s and NLHU’s for retrofit violations.
 - Union city Police Garage requires Exit and Emergency Lighting in accordance with N.J.A.C. 5:70-4.11(j) and (k)
 - 318 44th Street requires the enclosure of the vertical opening of the stairwell in accordance with N.J.A.C. 5:70-4.13 (c)11
 - Municipal Building door swing in courthouse must open in the direction of travel in accordance with N.J.A.C. 5:70-4-11(l)1
 - All uses in the city need to have carbon monoxide alarms installed in accordance with N.J.A.C. 5:70-4.9(d) 2 and 3

4. Our code representative noted that your personnel resources are limited and the technical responsibilities of the LEA exceed the available personnel resources. This situation adversely affects your ability to properly enforce the Code as evidenced by the fact that inspections are behind schedule. Therefore, we have recommended that your municipality hire an additional inspector to assist you in performing code enforcement responsibilities. In the interim, you should evaluate current operating procedures and prioritize responsibilities to efficiently utilize your existing manpower. **(Previously noted in Audit conducted in August '06)**

5. N.J.A.C. 5:71-3.4 provides that the LEA shall maintain records of inspections and permits. We note that the LEA’s records of inspections, permits and life hazard use files are incomplete. It is imperative for proper operation and oversight that all files are conscientiously maintained. In order to ensure file integrity, the records must be maintained in the office. If information is needed for routine field use, copies should be used and not the originals.

6. Code Representative noted that your files contain outdated information and recommend you purge your files. Files need to be retained in accordance with the Records Retention Act.
7. Although your LEA has been reinspecting life hazard uses, said reinspections have not been completed in a timely manner. You should require uninterrupted reinspection of life hazard uses and they must be completed.
8. N.J.A.C. 5:70-2.1(b) requires the fire official to inspect all uses subject to the Code. An inspection schedule for non-life hazard uses must be developed locally. Currently, you are inspecting less than 10% of your non-life hazard uses. Common areas of multiple family dwellings must be included into this schedule A comprehensive plan to identify all buildings must be enacted.. **(Previously noted in Audit conducted in August '06)**
9. Your inspection software program needs to be updated to include new permits that have been adopted this year and the occupancy load placard needs to be updated to current code.
10. N.J.A.C. 5:70-2.24 requires all educational occupancies be inspected prior to June 1st of the calendar year. Some of your schools were inspected after June 1 this year.
11. N.J.A.C. 5:71-3.3 requires that the fire official shall ensure that all life hazard uses are inspected in accordance with the Code. Our field visit disclosed that your LEA is not conducting inspections pursuant to the Code. The existing inspection program must therefore be expanded to satisfy the inspection requirements of N.J.A.C. 5:70-2.4.
 - Castle Hill Nursing Home 615 23rd Street requires a quarterly inspection. No inspection was conducted for the 2nd quarter this year.
12. Chapter 4 of the NJ Uniform Fire Code requires that emergency planning and preparedness plans shall be developed and maintained on premises with a copy submitted to the fire official for all required uses listed in Chapter 4 **(plans need to be reviewed for compliance, approve or reject)**.
13. Our monitoring visit revealed that deficiencies on test reports on fire protection systems are not being addressed. If deficiencies are discovered and there is an open violation for test reports then the violation remains unabated. If you receive test records prior to or after an inspection has been closed out then a violation must be issued for the repair of affected system.
14. Our monitoring visit revealed that your New Jersey Uniform Fire Code book is not up to date, and you do not have a 2015 International Fire Code New Jersey edition. The Code books are imperative to proper code enforcement, therefore you should contact the publications unit of the Division of Fire Safety to obtain a new Code book, and contact the International Codes Council to obtain the 2015 book.

15. At the time of our monitoring we visited buildings throughout the city, below is a breakdown of violations we noted during our visit. Please note that these are violations we witnessed during a brief walk-thru and does reflect a complete and comprehensive inspection.

A. Benjamin Moore 741 23rd Street

- Needs to registered as a life hazard use
- Test report of fire alarm system
- Fire extinguishers need to be serviced
- Carbon Monoxide Alarms

B. Union city Police Garage 2214 Kennedy Boulevard

- Needs to registered as a life hazard use
- Install Exit and Emergency lighting
- Fire extinguishers need to be serviced
- Carbon monoxide alarms in office area

C. Castle Hill Nursing Home 615 23rd Street

- Test records of Hood suppression system

D. Altessa Condominiums 809 22nd Street

- Evacuation Plans
- Fire door from parking area to building propped open
- Test records of fire protection systems

E. Shine Daycare 2404 Bergenline Avenue

- Hood suppression needs semi-annual service
- Fire Extinguishers need to be serviced
- Test reports of fire alarm
- Carbon Monoxide Alarms

F. 318 44th Street

- Protection of vertical opening in hallway
- 10 year sealed battery detectors in every unit
- Test reports of common area fire alarm

G. City Fresh 518 32nd Street

- Imminent Hazard rear exit padlocked shut (abated immediately at time of visit)
- Test reports for all fire protection systems
- Carbon monoxide alarms

H. Auto repair shop 3136 Summit Avenue

- Needs to be registered as life hazard use
- Install fire extinguishers
- General clean up

I. John's Fried Chicken 521 32nd Street

- Test report of hood suppression system
- Test report of Fire Alarm system
- Hood needs to be cleaned
- Carbon monoxide alarms

J. 4800 Broadway

- Test records of fire protection systems
- Identify and inspect all occupants
- Carbon monoxide alarms

K. Union City Municipal Building 3715 Palisade Avenue

- Needs to be registered as Life hazard use (Court Room)
- Test records of fire protection systems
- Hallway doors propped open
- Post occupant load in court room
- Exit door in court room must swing in direction of travel
- Carbon monoxide alarms

16. Our Code representative noted that your property data base is outdated. Some properties are listed several times, properties have outdated owner information and properties have no information at all. For proper code enforcement all information must be updated.

17. Our Code Representative noted that you are charging Hood Suppression permits to Life Hazard Use Restaurants. This is in contradiction to the Code. The practice must cease.

FINANCES

18. Please be advised that the LEA's financial records must be updated to accurately reflect all monies received by the LEA and all expenditures. Additionally, you should carefully monitor the funds received by the LEA and promptly report any discrepancies to this office. The 2018 Annual report did not include permit fees collected. A review of the bureau's tracking of fees appears to be inadequate and cumbersome. A simple tracking of permits, non-life hazard use fees and smoke detector inspections is required.

19. Our review of the LEA's operation indicates that a penalty trust account is necessary to allow effective use of penalty monies. You should request creation of this account by your governing body. **(Previously noted in Audit conducted in August '06)**

ORDINANCE

20. Section 171-2 Non-Life hazard Uses; indicates that the uses shall be inspected once each year and pay annual fees. Currently your bureau is not inspected or charging all inspections annually. Therefore we recommend you amend your ordinance with a reasonable inspection and fee schedule.
21. Section 171-4 Certificate of compliance for smoke and carbon monoxide detectors; the acronym used in the ordinance (CSDCMAC) has been changed to CSACMAPFEC. Please amend your ordinance to reflect the new acronym.
22. Section 155 Fees; Sub-section E. Non-life hazard uses A-4,A-5,and A-6 need to be amended to reduce the occupancy to a threshold of less than 50. Any of the listed occupancies would constitute a life hazard use once they exceed 50 people.
23. We note the ordinance provides for the payment of non life hazard use registration fees. Although the Code has a mechanism to allow collection of unpaid life hazard use fees, there is no comparable provision for non life hazard fees. Therefore, the municipal ordinance must provide a means of collecting these fees if they are not paid in a timely fashion.
24. Section 155 Fees; Sub-section F Permits and certificate of Fire Code Status, the permit fees listed are antiquated and do not meet current code or what you are actually charging. For convenience you may amend your ordinance to reference the fees listed in N.J.A.C. 5:70-2.9.

Page 7
Union city
Monitoring Visit

We request that you 1) promptly make or initiate the required corrections, and 2) within three (3) months, provide us a written status report regarding changes implemented or actions taken in response to this letter. We are obligated to inform you that your failure to either respond or to initiate the corrective actions indicated would subject you to the sanctions specified in N.J.A.C. 5:71-4.6. Consequently, if you disagree with any of the above items, please advise us in writing within 15 days.

We thank you for the opportunity to review your office and for your ongoing enforcement efforts, and we ask that you or interested others contact me at (609) 633-6738 with any questions. Our representative will pay specific attention to these matters on the follow-up audit of your LEA.

Sincerely,

Frank Clark, Supervisor
Local Assistance and Monitoring Unit
New Jersey Division of Fire Safety

c: Brian Stack, Mayor
FCAR Elenio
LEA File 0910

