

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #7/17

**AN ORDINANCE ESTABLISHING RULES
REGARDING FIRST RESPONDER RADIO COMMUNICATIONS**

WHEREAS, the Town of West New York (the "Town") recognizing the importance of having first responders be able to communicate within buildings; and

WHEREAS, the Town now seeks to improve first responders' ability to communicate within buildings within the Town; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that Ordinance #7/17 shall be enacted as follows:

Section One

§ ____ General provisions.

- A. Building radio coverage. Except as otherwise provided, no person shall maintain, own, erect or construct any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for Town emergency service workers, including but not limited to firefighters, police officers and emergency medical technicians.
- B. New construction.
 - (1) Any person who constructs or develops a commercial or industrial building or structure shall provide two raceways within the walls into which the cable needed to support a multiple antenna system could be laid.
 - (2) Such raceways shall include an opening in the roof which allows for installation or replacement of an exterior antenna and shall include access to each floor.
 - (3) No certificate of occupancy shall be issued for a new building prior to receiving written certification from the Town Fire Official – Fire Prevention stating that the aforementioned system has been completed and that the building supports adequate radio coverage as defined in this section.
 - (4) For the purposes of this section, the term "building" shall be construed to include parking structures, elevators and stairwells.
- C. Building additions. Except as otherwise provided, no person shall erect, change the use of, or construct an addition of more than 50% in gross floor area to any building or

structure of Type I or Type II construction which exceeds 10,000 square feet in gross floor area, including any portions thereof which may be located below grade, which fails to support adequate radio coverage for Town emergency service workers.

- D. Adequate coverage provisions. For purposes of this section, adequate radio coverage shall include all of the following:
- (5) A minimum signal strength of one microvolts (-107dBm) available in 95% of the area of each floor of the building when transmitted from the Town communications systems;
 - (6) A minimum signal strength of one microvolts (-107dBm) received at the Town Communications Systems when transmitted from 95% of the area of each floor of the building;
 - (7) The frequency range which must be supported shall be 150 to 160MHz, or as otherwise established and required in writing by the Town as being necessary for public safety purposes; and
 - (8) A ninety-five-percent reliability factor.
- E. Additional frequencies and change of frequencies. All building owners shall be required to modify or expand the public safety radio system at their expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. This is an advisory statement that the building owner may select equipment and distribution components that are capable of such changes. Prior approval of a system on previous frequencies does not exempt this section.

§ ____ Testing procedures.

Upon completion of the installation of an in-building radio system required pursuant to § - ____-1B, the building owner shall have said radio system tested in the manner described herein to ensure that an overall two-way coverage within the building, including all areas located below grade, is a minimum of 95%.

- A. Initial test. Initial acceptance tests shall be performed by the Town Fire Official – Fire Prevention, in the presence of the Police Director, West New York Police Department (or his designee) and the West New York EMS. A certificate of occupancy shall not be issued to any structure if the building fails to comply with this section.
- B. Annual tests. Annual tests shall be conducted by the Town Fire Official – Fire Prevention in conjunction with inspection procedures.
- C. Structural changes. Tests shall be conducted whenever structural changes occur including additions to buildings that would materially change the original field performance tests.

- D. Changes to amplification systems. Tests shall be performed whenever repairs or alterations are made to amplification systems, to demonstrate that adequate radio coverage is available in all required areas of the building.

§ ____ Amplification systems required.

- A. General provisions. Buildings and structures which cannot support the required level of radio coverage shall be equipped with a radiating cable system or an internal multiple antenna system with FCC-accepted bidirectional amplifiers as needed.
- B. Battery systems. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input. The amplification system, if powered, will be monitored by the building fire alarm system. If the system shifts to auxiliary power as stated above, the building fire alarm system will indicate trouble for that dedicated zone.
- C. Active amplification. Active amplification devices shall be of a type accepted by the Federal Communications Commission.
- D. Failed devices. It is incumbent upon the building owner to provide for repair services which are required to immediately correct issue if the amplification device has failed or is creating interference. In the event of interference, the building owner is required to immediately remove the defective device from service, call repair services and notify the Town Fire Official – Fire Prevention. The Town Fire Official – Fire Prevention shall conduct follow-up inspections to insure service has been completed and the system has been restored.
- E. Follow-up Inspections. In instances of failed devices, the building owner shall pay the Town Fire Official – Fire Prevention a fee of \$175.00; West New York Police Department a fee of \$175.00 and West New York EMS a fee of \$175.00 for each follow-up inspection. Follow-up inspections shall be conducted by the West New York Town Fire Official – Fire Prevention in the presence of the West New York Police Director (or his designee) and West New York EMS.
- F. Replacement of batteries. The battery system of such active amplification device shall be serviced annually and replaced with new batteries every three years.
- G. Approval prior to installation. No amplification system capable of operating on frequencies licensed to the Town by the FCC shall be installed without prior coordination and approval of the Town. This is a requirement of the FCC.

§ ____ Field testing.

Police and fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present.

§ ____ Exemptions.

This chapter shall not apply to any buildings constructed of wood frame; any building 35 feet high or less; as long as none of the aforementioned buildings make primary use of any metal construction or any underground storage or parking areas. For purposes of this section, parking structures and stairwells are included in the definition of "building" and stair shafts are included in the definition of "all parts of a building" but elevators may be excluded.

§ ____ Phase-in period for existing buildings.

Recognizing the difficulties inherent in the construction of the above-mentioned systems, to the extent that the provisions of this chapter apply to buildings already in existence at the time of the adoption of this chapter, the owner of said building shall be required to comply with the above provisions within a period of six (6) months from the date of adoption of this chapter.

§ ____ Violations and penalties.

Any person found to be in violation on this chapter shall, upon certification of said violation by the Town Fire Official – Fire Prevention, be subject to a mandatory fine of not less than \$2,000.00. In addition, no certificate of occupancy shall be issued for a building required to comply with this chapter prior to certification by the Town Fire Official - Fire Prevention that said building is in compliance.

Section Two

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Three

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in

effect shall remain in effect unless they are in conflict or inconsistent with any provision of this Ordinance.

Section Four

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance regulates building radio coverage for first responders for buildings within the Town.

Introduced: 2/16/2017

Re-Introduced: 3/23/2017

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **February 16, 2017** and ordered published, for consideration before final passage at a public hearing on **March 16, 2017 at 6:30 p.m.**; and it was reintroduced on **March 23, 2017** and ordered published, for consideration before final passage at a public hearing on **April 20, 2017 at 6:30 p.m.** in the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC

Town Clerk