

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE # 2018-02

AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING ORDINANCE #2011-03;  
AMENDING CHAPTER 340, FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER

BE IT ORDAINED by the Township Council of the Township of Lower, in the County of Cape May, and the State of New Jersey that Ordinance #2011-03 and Chapter 340 of the Code of the Township of Lower, entitled Fire Prevention, shall be amended as follows:

**SECTION 1.** *Section 340-13 (B) Uses, (9) through (16)* shall be replaced with:

Total Gross Floor Area Including Basement (square feet)	Fees
0 to 1,000	\$110.00
1,001 to 2,000	\$120.00
2,001 to 3,000	\$130.00
3,001 to 4,000	\$140.00
4,001 to 5,000	\$145.00
5,001 to 6,000	\$155.00
6,001 to 7,000	\$160.00
7,001 to 7,500	\$180.00
7,501 to 8,000	\$215.00
8,001 to 9,000	\$240.00
9,001 to 9,500	\$265.00
9,501 to 10,500	\$300.00
10,501 to 11,500	\$330.00
11,501 to 12,000	\$340.00

For each additional 1,000 square feet or more, the registration fee is an additional \$30.00.

10. Eating and drinking establishments/assembly uses with less than 50 occupants, the fee shall be one hundred fifteen (\$115.00) dollars.
11. Hotels and motels with 100 rooms or less and not defined as life hazard uses, the fee shall be one hundred seventy-five (\$175.00) dollars.

12. Buildings for the purpose of amusement, entertainment, recreation, strip malls, shopping centers, and health spas, which are not defined as a life hazard use, the fee shall be one hundred eighty-five (\$185.00) dollars.
13. The fee for multi-dwelling units with three (3) dwelling units or more shall be eighty (\$80.00) dollars, and twenty-three (\$23.00) dollars for each additional dwelling unit.
14. For the sale of properties, the fee shall be one hundred twenty-five (\$125.00) dollars. This one hundred twenty-five dollar fee shall include only the sale of property inspection applications received in the Fire Bureau office more than 10 working days from the settlement date. All sale of property inspection applications received in the Fire Bureau office with less than 10 working days to settlement, the fee shall be two hundred fifty (\$250.00) dollars. For rental properties, the fee shall be one hundred twenty-five (\$125.00) dollars per unit. This one hundred twenty-five (\$125.00) dollar fee shall include only the rental of property inspection applications received in the Fire Bureau office more than 10 working days from the occupancy date. All rental property inspection applications received in the Fire Bureau office with less than 10 working days to occupancy, the fee shall be two hundred fifty (\$250.00) dollars. This shall also include campground and mobile home park rental units such as, but not limited to, houses, cabins and trailers that are used for dwelling purposes. R-3 uses shall be inspected upon sale of property, and rental properties on change of tenant for yearly rentals, and prior to June 1 for seasonal rentals. The seasonal rental period shall be from June 1 through September 30 of any given year. There shall be a penalty of not less than \$250.00 and not more than \$1,200.00 for any rental property not registered and inspected as required by this ordinance. The Bureau of Fire Safety shall, upon the sale of property and occupancy of a rental property including one and two-family dwelling, conduct a fire inspection prior to settlement and/or occupancy for the purpose of:
  - (a) Establishing that the occupancy has not been changed unless the structure has been upgraded to the new use as required under the New Jersey Administrative Code 5:23-2.6(b), change of use group.
  - (b) Ensuring that the property is in compliance with the New Jersey Uniform Fire Code N.J.A.C. 5:70-4.19 and other Fire Safety requirements.
  - (c) Ensuring that the required fire extinguisher is properly located within the property and is maintained as per National Fire Protection Association standard #10.
  - (d) Ensuring that any heat-producing device is inspected and certified safe by a professional prior to the Fire Bureau inspection.
  - (e) Ensuring that hood protection is being provided under combustible cabinets that are installed directly over cooking appliances.
15. Whenever it becomes necessary for the Bureau of Fire Safety to perform a re-inspection of a sale property or rental property for the same violation two (2) or more times, there shall be an additional re-inspection fee of sixty (\$60.00) dollars per re-inspection, commencing with the third re-inspection and each subsequent re-inspection thereafter.
16. All uses listed in the aforementioned schedule shall be inspected annually for compliance with the provisions of this Ordinance and the New Jersey Uniform Fire C, unless otherwise noted above.

**SECTION 2.** *Section 340-14; Fire Safety Permit Fees* is hereby amended to read as follows:

Type 1 Permit	\$ 70.00
Type 2 Permit	\$ 185.00
Type 3 Permit	\$ 355.00
Type 4 Permit	\$ 525.00

**SECTION 3. Repeal:** All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

**SECTION 4. Severability:** In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

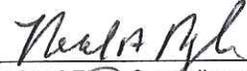
**SECTION 5. Effective date:** This ordinance shall become effective immediately upon final passage and publication, according to law.



Thomas Conrad, Councilmember



David Perry, Councilmember

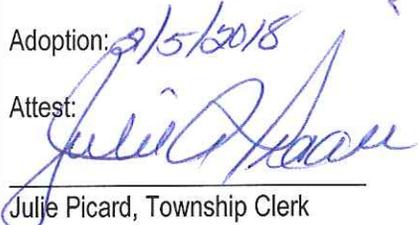


Roland Roy, Councilmember

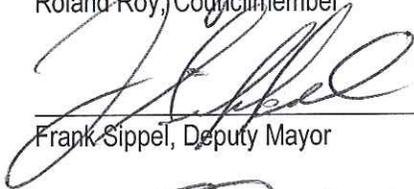
First Reading: Jan 17, 2018

Adoption: 2/15/2018

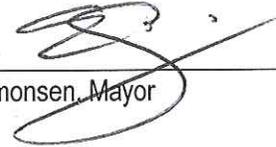
Attest:



Julie Picard, Township Clerk



Frank Sippel, Deputy Mayor



Erik Simonsen, Mayor



## BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER

Lower Township Recreation Center  
2600 Bayshore Road  
Villas, NJ 08251  
Phone: (609) 889-0404  
Fax: (609) 889-8876

Mailing Address:  
2600 Bayshore Road  
Villas, NJ 08251

### THE BUREAU OF FIRE SAFETY

### IN THE TOWNSHIP OF LOWER, COUNTY OF CAPE MAY

#### Resolution # 17-03

#### Amending Ordinance #2011-03: "AN ORDINANCE AMENDING CHAPTER 340, FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER

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**WHEREAS**, pursuant to Ordinance No. 2010-07, the Township of Lower has set forth a system of enforcing the New Jersey Uniform Fire Safety Code within the Township of Lower through the Bureau of Fire Protection of Lower Township Fire Districts 1, 2 and 3; and

**WHEREAS**, the fee schedule has been previously determined and set in Ordinance #2011-03; and

**WHEREAS**, the Commissioners of Lower Township Fire Districts 1, 2 and 3 are desirous of making changes to the fee schedule.

**NOW THEREFORE, BE IT RESOLVED** by the Bureau of Fire Safety in the Township of Lower, County of Cape May, to amend Ordinance #2011-03 as per the schedule below:

<b>Fees</b>	<b>Square Footage, Total Gross Floor Area Including Basement</b>
\$110.00	0 to 1,000
\$120.00	1,001 to 2,000
\$130.00	2,001 to 3,000
\$140.00	3,001 to 4,000
\$145.00	4,001 to 5,000
\$155.00	5,001 to 6,000
\$160.00	6,001 to 7,000
\$180.00	7,001 to 7,500
\$215.00	7,501 to 8,000
\$240.00	8,001 to 9,000
\$265.00	9,001 to 9,500
\$300.00	9,501 to 10,500
\$330.00	10,501 to 11,500
\$340.00	11,501 to 12,000

For each additional 1,000 square feet or more, the registration fee is an additional \$30.00.

10. Eating and drinking establishments/assembly uses with less than 50 occupants, the fee shall be one hundred fifteen (\$115.00) dollars.
11. Hotels and motels with 100 rooms or less and not defined as life hazard uses, the fee shall be one hundred seventy-five (\$175.00) dollars.
12. Buildings for the purpose of amusement, entertainment, recreation, strip malls, shopping centers, and health spas, which are not defined as a life hazard use, the fee shall be one hundred eight-five (\$185.00) dollars.
13. The fee for multi-dwelling units with three (3) dwelling units or more shall be eighty (\$80.00) dollars for the first unit, and twenty-three (\$23.00) dollars for each additional dwelling unit.
14. For the sale of properties, the fee shall be one hundred twenty-five (\$125.00) dollars. This \$125.00 fee shall include only the sale of property inspection applications received

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in the Fire Bureau office more than 10 working days from the settlement date. All sale of property inspection applications received in the Fire Bureau office with less than 10 working days to settlement, the fee shall be two hundred fifty (~~\$250.00~~) dollars. For rental properties, the fee shall be one hundred fifteen (~~\$115.00~~) dollars per unit. This one hundred fifteen (~~\$115.00~~) dollar fee shall include only the rental of property inspection applications received in the Fire Bureau office more than 10 working days from the occupancy date. All rental property inspection applications received in the Fire Bureau office with less than 10 working days to occupancy, the fee shall be two hundred fifty (\$250.00) dollars. This shall also include campground and mobile home park rental units such as, but not limited to, houses, cabins and trailers that are used for dwelling purposes. R-3 uses shall be inspected upon sale of property, and rental properties on change of tenant for yearly rentals, and prior to June 1 for seasonal rentals. The seasonal rental period shall be from June 1 through September 30 of any given year. There shall be a penalty of not less than \$250.00 and not more than \$1,200.00 for any rental property not registered and inspected as required by this ordinance. The Bureau of Fire Safety shall, upon the sale of property and occupancy of a rental property including one and two-family dwellings, conduct a fire inspection prior to settlement and/or occupancy for the purpose of:

- (a) Establishing that the occupancy has not been changed unless the structure has been upgraded to the new use as required under the New Jersey Administrative Code 5:23-2.6(b), change of use group.
  - (b) Ensuring that the property is in compliance with the New Jersey Uniform Fire Code N.J.A.C. 5:70-4.19 and other Fire Safety requirements.
  - (c) Ensuring that the required fire extinguisher is properly located within the property and is maintained as per National Fire Protection Association standard #10.
  - (d) Ensuring that any heat-producing device is inspected and certified safe by a professional prior to the Fire Bureau inspection.
  - (e) Ensuring that hood protection is being provided under combustible cabinets that are installed directly over cooking appliances.
15. Whenever it becomes necessary for the Bureau of Fire Safety to perform a reinspection of a sale property or rental property for the same violation two (2) or more times, there shall be an additional reinspection fee of sixty (\$60.00) dollars per reinspection, commencing with the third reinspection and each subsequent reinspection thereafter.
16. All uses as listed in the aforementioned schedule shall be inspected annually for compliance with the provisions of this ordinance and the New Jersey Uniform fire code, unless otherwise noted above.

SECTION 340-14 of the Revised General Ordinances is hereby amended to read as follows:

Permits. Fire Safety permit fees shall be as follows:

- Type 1 Permit -- \$ 70.00
- Type 2 Permit -- \$185.00
- Type 3 Permit -- \$355.00
- Type 4 Permit -- \$525.00

SECTION III. Repeal. All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION IV. Severability. In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION V. Effective date. This ordinance shall become effective immediately upon final passage and publication, according to law.

#### CERTIFICATION

I, Susan D. Bailey, secretary of the Bureau of Fire Safety, in the Township of Lower, in the County of Cape May, hereby certify that the foregoing resolution was duly adopted by the Bureau of Fire Safety at a meeting held on December 20, 2017.



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Secretary

This resolution was introduced by Commissioner Harron and it was seconded by Commissioner Robertson

#### RECORD OF VOTE:

HARRON:	<u>  X  </u>	YES;	<u>    </u>	NO;	<u>    </u>	NOT VOTING;	<u>    </u>	ABSENT.
CONLEY:	<u>  X  </u>	YES;	<u>    </u>	NO;	<u>    </u>	NOT VOTING;	<u>    </u>	ABSENT.
ROBERTSON:	<u>  X  </u>	YES;	<u>    </u>	NO;	<u>    </u>	NOT VOTING;	<u>    </u>	ABSENT.