

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

ORDINANCE # 2019-15

Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING CHAPTER 340, FIRE PREVENTION, SUBSECTIONS 340-13(B)(14) THROUGH (16) FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER.

WHEREAS, Chapter 340, Fire Prevention, of the Code of the Township of Lower sets forth and memorializes the Basic Fire Prevention Code and Uniform Fire Safety Code within the Township of Lower; and

WHEREAS, at the request of the Lower Township Bureau of Fire Safety and the commissioners of Fire Districts #1, #2, and #3 have approved and recommended that the Township of Lower revise provisions of Chapter 340, Subsection 340-13(B)(14) through (16) in order to enhance the safety of the residents of the Township of Lower by ensuring that properties are registered and inspected by the Lower Township Bureau of Fire Safety.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 340, Fire Prevention, of the Code of the Township of Lower, shall be amended as follows:

**SECTION 1.** Chapter 340, Fire Prevention, Subsections 340-13(B)(14) through (16) is hereby repealed and replaced as follows:

14. For the sale of properties, the inspection fee shall be One Hundred Twenty-Five (\$125.00) Dollars. This \$125 fee shall include only the sale of property inspection applications received in the Fire Bureau office more than ten (10) working days from the date of settlement. For any and all sale of property inspection applications received by the Fire Bureau office with less than ten (10) working days to the date of settlement, the inspection fee shall be Two Hundred Fifty (\$250.00) Dollars. The inspection fee for rental properties shall be One Hundred Twenty-Five (\$125.00) Dollars per unit. This inspection fee shall also include campground and mobile home park rental units including but not limited to, houses, cabins and trailers that are used for dwelling purposes. All seasonal/vacation and year round rental properties shall be inspected one (1) time per calendar year. All seasonal/vacation rentals must pass inspection prior to the start of the rental season (June 1) in any given calendar year.

There shall be a penalty of not less than Five Hundred (\$500.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars for any rental property not registered and inspected as required by this ordinance. The Lower Township Bureau of Fire Safety shall, upon the sale of any property, conduct a fire inspection prior to the date of settlement. For all rentals including one (1) and two (2) family dwelling units, the Lower Township Bureau of Fire Safety shall conduct a fire inspection one (1) time per calendar year. This fire inspection shall be for the purpose of:

- (a) Establishing that the occupancy has not 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 2015, N.J.A.C. 5:70-4.19 and other Fire Safety requirements;
- (c) Ensuring that the required fire extinguisher (2A:10BC or 3A:40BC) is properly located in plain view within the property and is maintained in accordance with National Fire Protection Association standard #10;
- (d) Ensuring that any heat-producing device is inspected and certified safe by a New Jersey Licensed professional prior to the Fire Bureau inspection; and

(e) Ensuring that hood protection is being provided under combustible cabinets that are installed directly over cooking appliances.

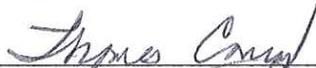
15. In the event the Lower Township Bureau of Fire Safety is required to re-inspect a sale property or rental property for a continuing violation, two (2) or more times, there will be an additional re-inspection fee of Sixty (\$60.00) Dollars per re-inspection beginning with the third re-inspection and in connection with any and all subsequent re-inspections thereafter.

16. All uses listed in the aforementioned schedule shall be inspected annually for compliance with the provisions of this section and the New Jersey Uniform Fire Code, unless otherwise exempted herein.

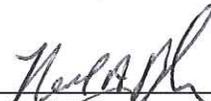
**SECTION 2. Repeal:** All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

**SECTION 3. 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 4. Effective date:** This ordinance shall become effective immediately upon final passage and publication, according to law.

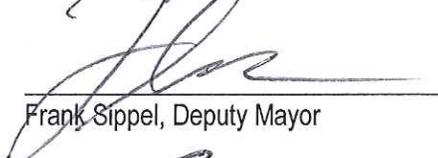
  
Thomas Conrad, Councilmember

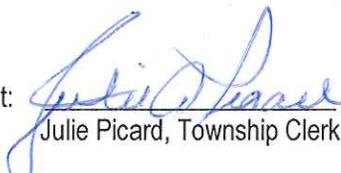
  
David Perry, Councilmember

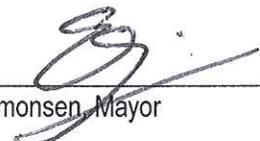
  
Roland Roy, Councilmember

First Reading: October 7, 2019

Adoption: *October 21, 2019*

  
Frank Sippel, Deputy Mayor

Attest:   
Julie Picard, Township Clerk

  
Erik Simonsen, Mayor

(14) For the sale of properties, the fee shall be \$125. This fee of \$125 shall include only the sale of property inspection applications received in the Fire Bureau office more than 10 working days from the settlement date. For all sale of property inspection applications received in the Fire Bureau office with less than 10 working days to settlement, the fee shall be \$250. For rental properties, the fee shall be \$125 per unit. 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. All rental properties, whether seasonal/vacation or year round rental shall be inspected one time per calendar year. All seasonal/vacation rentals must pass prior to the start of the rental season (June 1) in any given calendar year.

There shall be a penalty of not less than \$500 and not more than \$2000 for any rental property not registered and inspected as required by this section. The Bureau of Fire Safety shall, upon the sale of property conduct a fire inspection prior to settlement. For all rentals including one and two family dwellings, the Bureau of Fire Safety shall conduct a fire inspection one time per calendar year. This fire inspection shall be for the purpose of:

- (a) Establishing that the occupancy has not changed unless the structure has been upgraded to the new use as required under the NJAC 5:23-2.6(b), change of use group.
- (b) Ensuring that the property is in compliance with the New Jersey Uniform Fire Code 2015, NJAC 5:70-4.19 and other fire safety requirements.
- (c) Ensuring that the required fire extinguisher (2A:10BC or 3A:40BC) is properly located in plain view within the property and is maintained as per NFPA standard #10.
- (d) Ensuring that any heat producing device is inspected and certified safe by a NJ licensed 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 of property or a rental property for the same violation two or more times, there shall be an additional re-inspection fee of \$60 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 section and the NJ Uniform Fire Code, unless otherwise noted above.

District #1 Laruse Mornel

District #2 [Signature]

District #3 [Signature]