

ORDINANCE # 2011-03

AN ORDINANCE OF THE TOWNSHIP OF LOWER 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 Chapter 340, entitled Fire Prevention, shall be amended as follows:

SECTION 1. Any and all references previously made in this Chapter to N.J.A.C. 5:18 shall be amended to reference N.J.A.C. 5:70.

SECTION 2. Section 340-13 (B) Uses, 9 through 15 shall be deleted in its entirety and replaced with the following:

9. Where more than one additional use exists under one ownership at a given location, the highest use shall be registered at full fee and subsequent use at three-fourths of the scheduled fee.

Total Gross Floor Area Including Basement (square feet)	Fees
0 to 1,000	\$95.00
1,001 to 2,000	\$105.00
2,001 to 3,000	\$110.00
3,001 to 4,000	\$120.00
4,001 to 5,000	\$125.00
5,001 to 6,000	\$135.00
6,001 to 7,000	\$140.00
7,001 to 7,500	\$155.00
7,501 to 8,000	\$185.00
8,001 to 9,000	\$210.00
9,001 to 9,500	\$230.00
9,501 to 10,500	\$260.00
10,501 to 11,500	\$290.00
11,501 to 12,000	\$295.00

1st 1-19-11
2nd 2-7-11

For each additional 1,000 square feet or more, the registration fee is an additional \$25.00.

10. Eating and drinking establishments/assembly uses with less than 50 occupants, the fee shall be one hundred (\$100.00) dollars.
11. Hotels and motels with 100 rooms or less and not defined as life hazard uses, the fee shall be one hundred fifty (\$150.00) 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 sixty (\$160.00) dollars.
13. The fee for multi-dwelling units with three (3) dwelling units or more shall be seventy (\$70.00) dollars, and twenty (\$20.00) dollars for each additional dwelling unit.
14. For the sale of properties, the fee shall be one hundred ten (\$110.00) dollars. This one hundred ten 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 twenty (\$220.00) dollars. For rental properties, the fee shall be one hundred ten (\$110.00) dollars per unit. This one hundred ten (\$110.00) 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 twenty (\$220.00) 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.

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.



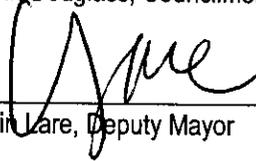
Thomas Conrad, Councilmember



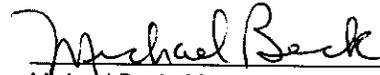
Erik Simonsen, Councilmember



Glenn Douglass, Councilmember



Kevin Lare, Deputy Mayor



Michael Beck, Mayor

Attest: 
Claudia R. Kammer, Township Clerk

Adopted: February 7, 2011