

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

ORDINANCE #2023-21

Title: AN ORDINANCE AMENDING CHAPTER 340, FIRE PREVENTION, ARTICLE II, UNIFORM FIRE SAFETY CODE, OF THE CODE OF THE TOWNSHIP OF LOWER IN ORDER TO MODIFY ANNUAL FIRE INSPECTION FEES

WHEREAS, Chapter 340, Fire Prevention, of the Code of the Township of Lower sets forth and establishes minimum fire safety standards throughout the Township of Lower; and

WHEREAS, § 340-13 and § 340-14 of the Code of the Township of Lower establishes fees associated with required annual fire inspections and fire safety permits; and

WHEREAS, on October 25, 2023, the Lower Township Bureau of Fire Safety adopted Resolution # 23-03 requesting an increase of annual fire inspection fees and fire safety permits to offset rising costs incurred in connection with performing said inspections; and

WHEREAS, the Township Council of the Township of Lower finds that an increase of the inspection fees associated with annual fire inspections and the fees associated with fire safety permits is appropriate in order to offset the rising costs incurred by the Lower Township Bureau of Fire Safety to conduct said inspections.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

**Section 1.** Chapter 340, Article II, Uniform Fire Safety Code, Subsection 13, Additional Required Inspections and Fees, is hereby amended as follows:

**340-13 Additional Required Inspection and Fees.**

- A. In addition to the inspections and fees required pursuant to the Fire Safety Act and the regulations of the Department of Community Affairs, the following additional inspections, and fees for those uses not defined as life-hazard uses shall be required. The following buildings, uses and premises contained in this section, other than those that are incidental or auxiliary to the agricultural use of farm property, are subject to registration and periodic inspection requirements as hereby established. Where two or more of the same use or different uses exist at the same building or premises, each one shall be considered as a separate and distinct for the purpose of this section and shall be registered pursuant thereto.
- B. Uses
  - (1) Business use as defined in the latest edition of the NJ Uniform Fire Code, where there is a single tenant.
  - (2) If there is a business use as defined above, where there is more than one tenant, same would result in the sue of the schedule hereinafter noted, with the sole exception that an additional fee of \$20.00 per tenant would be charged in each instance.
  - (3) Where the building or structure has more than one use which may include a business use as defined above, then each individual use shall be subject to the appropriate fee as set forth in this section.
  - (4) Mercantile uses as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.

- (5) Storage buildings as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule herein noted.
- (6) Factory and industrial uses as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.
- (7) Residential use groups as defined in the latest edition of the NJ Uniform Fire Code shall be subject to the registration fee as set forth in the schedule hereinafter noted.
- (8) Uses not classified above will be classified as business uses
- (9) Where more than one additional use exists under the ownership at a given location, the highest use shall be registered at full fee and subsequent use at  $\frac{3}{4}$  of the scheduled fee.

**Total Gross Floor Area Including Basement  
(square feet)**

<b>Total Gross Floor Area Including Basement (square feet)</b>	<b>Registration Fees</b>
0 to 1,000	\$115
1,001 to 2,000	\$125
2,001 to 3,000	\$135
3,001 to 4,000	\$145
4,001 to 5,000	\$150
5,001 to 6,000	\$160
6,001 to 7,000	\$165
7,001 to 7,500	\$185
7,501 to 8,000	\$220
8,001 to 9,000	\$245
9,001 to 9,500	\$270
9,501 to 10,500	\$305
10,501 to 11,500	\$335
11,501 to 12,000	\$345

For an additional 1,000 square feet or more, the registration fee is an additional \$35.

- (10) Eating and drinking establishments/assembly uses with less than 50 occupants, the fee shall be one hundred twenty (\$120.00) dollars.
- (11) Hotels and motels with 100 rooms or less and not defined as life-hazard uses, the fee shall be one hundred eighty (\$180.00) 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 ninety (\$190.00) dollars.
- (13) The fee for multi-dwelling units with three dwelling units or more shall be eighty-five (\$85.00) dollars and twenty-five (\$25.00) dollars for each additional dwelling unit.
- (14) The fee for marina inspections shall be one hundred fifteen (\$115.00) dollars.



- (15) The Bureau of Fire Safety shall, upon the sale of any property, conduct a fire inspection prior to the date of settlement. For the sale of properties, the fee shall be one hundred thirty (\$130.00) dollars. This one hundred thirty (\$130.00) dollar fee shall include the sale of property inspection applications received in the Fire Bureau office more than 10 working days from the settlement date. The fee associated with all sale of property inspection applications received in the Fire Bureau office with less than 10 working days to settlement shall be two hundred and sixty (\$260.00) dollars.
- (16) For rental properties, the fee shall be one hundred thirty (\$130.00) dollars per unit. This one hundred thirty (\$130.00) dollar inspection fee shall include campground and mobile home park rental units including but not limited to – houses, cabins and trailers to are used for dwelling purposes. All seasonal/vacation and year-round rental properties shall be inspection 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. 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 purposes 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 No. 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.

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.

- (17) 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-five (\$65.00) dollars per re-inspection beginning with the third re-inspection and in connection with any and all subsequent re-inspections thereafter.
- (18) 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. Chapter 340, Article II, Uniform Fire Safety Code, Subsection 14, Fire Safety Permit Fees, is hereby amended as follows:**

Fire safety permit fees shall be as follows:

- A. Type 1 permit: \$75.00
- B. Type 2 permit: \$190.00

C. Type 3 permit: \$360.00

D. Type 4 permit: \$530.00

**Section 3.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 4.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

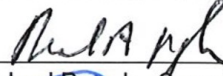
**Section 5.** This Ordinance shall become effective 20 days after final passage and publication according to law.



Thomas Conrad, Councilmember



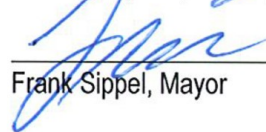
Kevin Coombs, Councilmember



Roland Roy, Jr., Councilmember



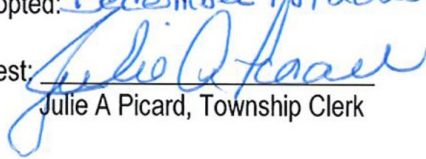
David Perry, Deputy Mayor



Frank Sippel, Mayor

First Reading: November 6, 2023

Adopted: December 18, 2023

Attest:   
Julie A Picard, Township Clerk



## **BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER**

**Lower Township Public Safety Building  
1389 Langley Road  
Cape May Airport  
Erma, NJ 08204  
Phone: (609) 889-0404  
Fax: (609) 889-8876**

**Mailing Address:  
407 Breakwater Road  
Rio Grande, NJ 08242  
LTBFS@COMCAST.NET**

### **THE BUREAU OF FIRE SAFETY**

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

#### **Amendment to Resolution # 23-03**

#### **Amending Ordinance #2018-02: "AN ORDINANCE AMENDING CHAPTER 340, FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER**

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**WHEREAS**, pursuant to Ordinance No. 2018-02, 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 #2018-02; 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 #2018-02 as per the schedule below:



Total gross floor area including basement (sq feet)	Fee
1 to 1000	\$115.00
1001 to 2000	\$125.00
2001 to 3000	\$135.00
3001 to 4000	\$145.00
4001 to 5000	\$150.00
5001 to 6000	\$160.00
6001 to 7000	\$165.00
7001 to 7500	\$185.00
7501 to 8000	\$220.00
8001 to 9000	\$245.00
9001 to 9500	\$270.00
9501 to 10500	\$305.00
10501 to 11500	\$335.00
11501 to 12000	\$345.00

For each additional 1000 sq feet or more, the registration fee is an additional \$35.00.

10. Eating and drinking establishments/assembly uses with less than 50 occupants, the fee shall be one hundred twenty (\$120.00) dollars.
11. Hotels and motels with 100 rooms or less and not defined as a life hazard use, the fee shall be one hundred and eighty (\$180.00) dollars.
12. Buildings for the purpose of amusement, entertainment, recreation, strip malls, shopping centers and health spas, which are not defined as life hazard use, the fee shall be one hundred ninety (\$190.00) dollars.
13. The fee for multi-dwelling units with three (3) dwelling units or more shall be eighty-five (\$85.00) dollars for the first unit and twenty-five (\$25.00) for each additional dwelling unit.
14. The fee for marina inspections shall be one hundred fifteen (\$115.00) dollars.
15. For the sale of properties, the fee shall be one hundred thirty (\$130.00) dollars. This one hundred thirty (\$130.00) dollar fee shall include 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 and sixty (\$260.00) dollars. The Bureau of Fire Safety shall, upon the sale of any property, conduct a fire inspection prior to the date of settlement.

16. For rental properties, the fee shall be one hundred thirty (\$130.00) dollars per unit. This one hundred thirty (\$130.00) dollar inspection fee shall also include campground and mobile home park rental units including by 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. 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 property located in plain view within the property and is maintained in accordance with National Fire Protection Association standard #10.
- (d) Ensuring that any head 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.

There shall be a penalty of not less than five hundred (\$500.00) dollars nor more than two thousand (\$2000.00) dollars for any rental property not registered and inspected as required by this ordinance.

17. 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 five (\$65.00) per re-inspection beginning with the third re-inspection and in connection with any and all subsequent re-inspections thereafter.

18. 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

Type 1 permit	\$75.00
Type 2 permit	\$190.00
Type 3 permit	\$360.00
Type 4 permit	\$530.00

**CERTIFICATION**

I, Shelby Rambo, 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 October 25, 2023.



Secretary

This resolution was introduced by Commissioner Mornick and it was seconded by Commissioner Robertson.

**RECORD OF VOTE:**

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