



BUREAU OF FIRE PREVENTION
MIDDLE TOWNSHIP FIRE DISTRICTS #1, #3 & #4
115 Mechanic Street
Cape May Court House, NJ 08210
Phone: (609) 465-8710
Fax: (609) 465-3851
firebureau1@comcast.net

To: Business Owner
From: Bureau of Fire Prevention
Date: January 1, 2018
Re: ***Important information regarding REINSPECTIONS, PENALTIES, RECURRING VIOLATIONS and EXTENSIONS***

Please be advised that beginning January 1, 2018 the following will be strictly enforced. The annual registration fee will cover the initial inspection and one reinspection, should you fail the initial inspection. Abating all violations by the date specified on the Notice of Violations and Order to Correct will avoid the assessment of monetary penalties.

➤ **Penalties**

- Pursuant to N.J.A.C. 5-70-2.12, a violation of the Code is punishable by monetary penalties of not more than \$5,000 per day for each violation. Each day a violation continues is an additional, separate violation except while an appeal is pending.
- Also take notice that, pursuant to N.J.A.C. 5:70-2.12A, when an owner has been given notice of the existence of a violation and has not abated the violation, that owner shall, in addition to being liable to the penalty provided for by N.J.A.C. 5:70-2.12, be liable to a dedicated penalty in the like amount.
- Claims arising out of penalty assessments can be compromised or settled if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.
- Penalties must be paid in full within 30 days after an order to pay. If full payment is not made within 30 days, the matter will be referred to the Township Attorney for summary collection pursuant to the Penalty Enforcement Law N.J.S.A. 2A:58-10 et.seq.
- **Failure to file a registration application** after having been ordered to do so shall result in a penalty equal to double the applicable registration fee, but not less than \$200.00 or more than \$1,000 for each registration.
- **Failure to pay the required annual registration fee** when due shall be an amount equal to the unpaid fee. Payment of the fee after imposition of the penalty shall not absolve the owner from responsibility for the penalty nor shall payment of the penalty be deemed to absolve the owner from the obligation to pay the fee.

➤ **Recurring Violations**

- Pursuant to N.J.A.C. 5:70-2.12(e), a violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which corrections can be made. A violation shall be deemed to be a recurring violation if a notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

➤ **Extensions**

- You may request an extension of time by submitting a written request to the Fire Official. To be considered, the request must be made before the compliance date specified and must set forth the work accomplished, the work remaining, the reason why an extension of time is necessary and the date by which all work will be completed. *Take note* that pursuant to N.J.A.C. 5:70-2.10(d), an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request of an extension constitutes a waiver of the right to a hearing as to those violations which an extension is applied.

As always, we are available to answer any questions Monday through Friday between the hours of 8:30 am to 4:00 pm.