

ADMINISTRATIVE APPEAL RIGHTS

APPEALS: YOU MAY CONTEST THESE ORDERS BY FILING AN APPEAL The request for an appeal must be made in writing within 15 days after receipt of this order and sent to the Construction Code Board of Appeals which is appointed to act for the jurisdiction in which the violation was cited, also a copy is to be sent to the issuing agency.

Contact the municipal Construction Official or the Local Enforcing Agency on the reverse side of this notice for the address of the Construction Board of Appeals and filing fees that are required to request an appeals hearing.

The notification of appeal must include the applicants registration number, the address of the premises involved, the reference numbers of the violation cited, the argument with regard to each specific code section or other authority, the appellant will rely on in support of his position.

Appeals will not be deemed received until payment of the fee is made.

EXTENSIONS: If a specified time has been given to abate a violation, YOU MAY REQUEST AN EXTENSION OF TIME by submitting a written request to Jackson Bureau of Fire Safety, Fire District No. 3, 200 Kierych Memorial Drive, Jackson, N.J. 08527. 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 NOTICE THAT, pursuant to NJAC 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 for an extension constitute a waiver of the right to a hearing as to those violations for which an extension is applied.

VARIANCES - YOU MAY APPLY FOR A VARIANCE. Upon application of a property owner, or lessee with the owners consent, a variance from the requirements of a regulation or standard adopted pursuant to the act may be granted by the Fire Official if it is determined strict compliance would result in practical difficulty and that it would not jeopardize the safety of occupants, fire fighters or the public. Financial hardship alone is not grounds for a variance.

An application for a variance shall be made in writing to the Fire Official with the following information:

Requirement from regulation from which variance is sought.

Manner with which strict compliance would result in practical difficulty and the nature and extent of practical difficulty.

Feasible alternatives which would protect the occupants, fire fighters and public.

PENALTIES: 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. Specific penalties are as follows:

- a. Failure to install required protection equipment after having been given written notice of the requirement to do so - a maximum of \$1,000 per violation per day.
- b. Failure to abate any violation after having been given notice a maximum of \$500 per violation per day.
- c. Storage of any material in violation of this Code or the conduct of any process in violation of the Code - a maximum of \$500 per violation per day that this violation continues.
- d. Blocking, locking or obstructing required exits,
 - i. In a place of public assembly - a maximum of \$5,000 per occurrence. In any other place - a maximum of \$2,500 per occurrence.
- e. Disabling or vandalizing any fire suppression or alarm device or system.
 - i. In a place of public assembly or education - a maximum of \$5,000 per occurrence.
 - ii. In any other place - a maximum of \$2,500 per occurrence.
- f. Failure to obey a notice of imminent hazard and order to vacate - a maximum of \$5,000 per day the failure continues.
- g. Failure to obey an order to close for a fixed period of time issued pursuant to this Subsection - a maximum of \$5,000 per day that the failure continues.
- h. Obstructing the entry of an authorized inspector into a premises - a maximum of \$2,500 for each occurrence.
- i. Any willful false application for a permit or registration - a maximum of \$1,000 for each occurrence.
- j. Any other act or omission prohibited by the Act or the Regulations but not enumerated in this subsection - a maximum of \$5,000 per violation per day.

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.

Any penalties assessed are in addition to others previously assessed. 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 LEGAL COUNSEL for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et. seq.)

NOTICE:

If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.