

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 326-2017

**AN ORDINANCE ESTABLISHING A BUREAU OF FIRE
PREVENTION AND PROVIDING FOR LOCAL
ADMINISTRATION AND ENFORCEMENT OF THE
UNIFORM FIRE SAFETY CODE**

WHEREAS, the Uniform Fire Safety Act (P.L. 1983, c. 383) establishes a system for the enforcement of minimum fire safety standards throughout New Jersey; and

WHEREAS, the Act authorizes municipalities to provide local enforcement and establish Local Enforcement Agencies for that purpose; and

WHEREAS, having carefully considered the matter, the Cape May City Council believes it is in the best interests of City residents to have the Uniform Fire Safety Act enforced locally to ensure consistent provision of services for the health, safety and welfare of residents, visitors and businesses.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, as follows:

Article I General Provisions

Section 1. **Local Enforcement.** Pursuant to Section 11 of the Uniform Fire Safety Act, the New Jersey Uniform Fire Code shall be locally enforced in the City of Cape May.

Section 2. **Agency Designation.** The Local Enforcing Agency (LEA) shall be the Bureau of Fire Prevention, hereby established. Enforcement shall be undertaken by the local Fire Official, who shall be appointed by, and shall be answerable to, the City Manager.

Section 3. **Duties.** The local Fire Official shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the City, other than owner-occupied one- and two-family dwellings used exclusively for dwelling purposes or operated by the Federal Government, Interstate Agencies or the State, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Safety Code.

Section 4. **Life Hazard Uses.** The LEA shall carry out the periodic inspection of life hazard uses required by the Uniform Fire Safety Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

Section 5. **Term; Inspectors.** The Fire Official shall be appointed by the City Manager for an indefinite term. The Fire Official shall be certified by the State Bureau of

Fire Safety. The Fire Official shall recommend appointment of inspectors to the City Manager, as may be necessary. Inspectors shall be under the supervision and control of the Fire Official.

Section 6. **Removal.** The Fire Official, Inspectors, and other LEA employees shall be subject to removal by the City Manager for inefficiency or misconduct.

Section 7. **Board of Appeals.** Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by an order of the LEA shall have to right of appeal to the Construction Board of Appeals of Cape May County.

Article II Sale & Rental Properties; Non-Hazard Life Uses; Fees

Section 1. Sale and Rental Properties.

A. For the year 2018, all properties shall be inspected upon the sale of property and rental properties upon the change of tenant for yearly rentals no later than May 15 with necessary adjustments made for the May 1 deadline for mercantile licenses. All rental properties shall be registered with and inspected by the Bureau of Fire Prevention prior to tenant occupancy. Beginning January 2019, all properties shall be inspected upon the sale of property and rental properties upon the change of tenant for yearly rentals and prior to April 15 for seasonal rentals. The season rental period shall be from April 15 through September 30 of any given year. There shall be a penalty of not less than \$250 and not more than \$1200 for any rental property occupied but not registered and inspected as required.

B. For the sale of property or rental property inspections, the fee shall be one hundred ten (\$110) dollars. This fee shall include only the sale of property or rental property inspection application received in the Fire Bureau office more than ten (10) working days from the settlement or tenant occupancy date. For all sale of property or rental property inspection applications received in the Fire Bureau office within less than ten (10) business days to settlement or tenant occupancy, the fee shall be two hundred twenty (\$220) dollars.

C. Certificates of smoke detector and carbon monoxide compliance, issued by the Bureau of Fire Prevention, are not transferrable.

Section 2. Non-life-hazard Uses.

A. In addition to the registration required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and shall pay an annual fee as set forth below:

Sale	\$110.
(if not within 10 days)	\$220.
Rental (up to 2 sleeping areas)	\$110.
(each additional sleeping area \$10 per)	
Reinspection (On third inspection)	\$ 50.
Retail Stores-per Square foot	
0-1,000	\$95.
1,001 – 2,000	\$105.
2,001-3,000	\$110.
3,001-4,000	\$120.
4,001-5,000	\$125.
5,001-6,000	\$135.
6,001-7,000	\$140.
7,001-7,500	\$155.
7,501-8,000	\$185.
8,001-9,000	\$210.
9,001-9,500	\$230.
9,501-10,000	\$260.
10,001-11,000	\$290.
11,001-12,000	\$295.
Each additional 1,000sqft	\$15.
Eating and Drinking establishment	\$100.
Hotels and Motels (100 rooms or less)	
Up to six units	\$125.
Seven to 11 units	\$150.
Twelve to 30 units	\$225.
More than 30 units	\$295.
Type 1 - Tent/Vendor	\$60.
Type 2 – Welding/Cutting/Industrial	\$160.
Type 3	\$310.
Type 4	\$460.
Amusement, Entertainment, recreation	\$160.

B. Uses not classified above that are subject to the Uniform Fire Code will be classified as retail stores.

C. Uses required to register with the state as life-hazard uses shall not be required to register under this section.

D. In the discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.

E. All residential uses — other than one- and two-family, non-owner-occupied uses — shall be inspected in the common areas only.

Article III. Permits & Certificates; Smoke Detectors & Fire Extinguishers; Enforcement; Violations & Penalties

Section 1. Permits and certificate of fire code status.

A. The application fees for the permits listed in N.J.A.C. 5:70-2.9(c) are as provided therein.

B. The cost for the issuance of a certificate of fire code status shall be \$25.

Section 2. Smoke detectors and fire extinguishers.

A. The Bureau of Fire Prevention shall, upon the sale of a property and occupancy of a rental property including one- and two- family dwellings, 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. He 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 Prevention Association Standard No.10;

d. Ensuring that any fossil-fuel heat source is inspected and certified safe by a professional prior to the Fire Prevention Bureau inspection;

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

B. Whenever it becomes necessary for the Bureau of Fire Prevention to perform a re-inspection of a sale property or a rental property for a violation two or more times, there shall be an additional re-inspection fee of \$50.00 per re-inspection commencing with the third re-inspection and each subsequent re-inspection.

C. The owner of any structure requesting issuance of a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC) pursuant to the provisions of N.J.A.C. 5:70-2.3 shall pay an inspection fee in accordance with the schedule of fees that is set forth in N.J.A.C. 5:70-2.9(d) prior to the issuance of a CSDCMAC.

Section 3. **Enforcement; violations and penalties.**

A. Enforcement and violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

Article IV Key Boxes, Compliance, Violations & Penalties

Section 1. Key box requirements are referenced in the City Code §130-10.

Section 2. **Time for compliance.**

A. All existing structures for which a certificate of occupancy has been issued shall be brought into compliance by the structure owner within six months of the effective date of this article and, thereafter, shall remain at all times in compliance with this article.

B. All structures that have not been issued a certificate of occupancy shall be brought into compliance with this article by the structure owner as a condition for issuance of a certificate of occupancy and, upon issuance of a certificate of occupancy, shall remain in compliance with this article at all times.

Section 3. **Violations and penalties.**

A. **Notice of violation.** No structure owner shall be charged with a violation of this article unless written notice of a violation personally is delivered to the structure owner or is sent by regular first class mail and simultaneously by certified mail, return-receipt requested, to the structure owner at the structure owner's address as it appears on the tax records of the City of Cape May and the structure owner then is afforded 10 calendar days (weekends and legal holidays included) from the date of the personal delivery of the notice of violation to the structure owner or from the date of the mailing of the notice of violation to the structure owner, as the case may be, to bring the subject structure into compliance.

B. **Penalties.** Any structure owner who violates any of the provisions of this article, upon conviction thereof, shall be subject to a fine of up to \$1,250 plus costs and/or 90 days in the county jail for each offense or violation. Each day that a violation continues after the ten-calendar-day notification period expires shall constitute a separate offense.

Article V Severability; Repealer; Effective Date

Section 1. **Severability.** 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 provisions of this Ordinance are hereby declared to be severable.

Section 2. **Repealer.** All ordinances inconsistent with this Ordinance are hereby repealed.

Section 3. **Effective Date.** This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

ATTEST: CITY OF CAPE MAY, a municipal corporation
of the State of New Jersey

Patricia Harbora, City Clerk

BY: _____
Clarence F. Lear III, Mayor

NOTICE

Ordinance 326-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on June 20, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on July 18, 2017, 6:00 P.M. at which time a Public Hearing will be held.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin		X		
Hendricks	X			
Meier	X			
Pessagno	X			
Lear	X			

Introduction: June 20, 2017
First Publication: June 28, 2017
Second Reading & Adoption: July 18, 2017
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Effective Date: August 15, 2017