ORDINANCE NO. 2017-16

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 28: "FIRE PROTECTION AND PREVENTION" REVISING CERTAIN NON-LIFE HAZARD ANNUAL REGISTRATION FEES AND THE MAXIMUM PENALTY

BE IT ORDAINED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 28 "Fire Protection and Prevention" of the Borough's Revised General Ordinances is hereby amended as follows (stricken text indicates deletions, underlined text indicates additions):

28-1.11 Additional Required Inspections and Fees.

In addition to the inspection and fees required pursuant to the Uniform Fire Safety Act, and the rules and regulations adopted pursuant thereto, the following additional inspections and fees shall be required. In addition to the registrations 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 pay an annual registration fee in accordance with the schedule set forth in subsection (i) below.

- a. The common areas of any commercial, industrial, or residential structure including apartments and condominiums shall be inspected at least once a year. An inspection fee shall be paid annually as established in the Schedule of Fees and Costs adopted by resolution annually by the Mayor and Council to be kept on file in the Office of the Borough Clerk. Each unit or separate use within each such structure shall be inspected upon application for a Mercantile License, Certificate of Occupancy, or Certificate of Inspection. An inspection schedule for each unit or use shall be adopted annually by ordinance or resolution and be on file in the Office of the Borough Clerk.
- b. Hotels, motels, lodging, boarding, and/or rooming houses not inspected as part of or in connection with a life hazard use, shall be inspected at least once a year. An inspection fee as established by the laws of the State of New Jersey shall be paid annually.
- c. Rented housing or living units and all other places and buildings used for sleeping and lodging purposes, all other uses not subject to inspection as a life hazard use, or a use or structure for which a permit is required shall be inspected upon application for a Mercantile License, Certificate of Occupancy, or a Certificate of Inspection. An inspection fee of seventy five (\$75.00) dollars shall be paid for each inspection of each unit or use.
- d. Uses not classified above that are subject to the Uniform Fire Code will be classified as mercantile use.
- e. In the discretion of the fire official, vacant buildings will be charged and inspected according to the previous use of the building.

- f. Any business paying Life Hazard Registration Fee to the State of New Jersey will be exempt with proper proof of payment.
- dg. If any new application for a Mercantile License, Certificate of Occupancy, or Certificate of Inspection is received within the same calendar year of the last inspection, the fee shall be thirty-five (\$35.00) dollars. If a third inspection is required to approve or enforce any order for repair or correction of any fire hazard then a re-inspection fee of forty-five (\$45.00) dollars shall be paid.
- eh. No Certificate of Fire Inspection may be issued unless and until all required fees are paid.

i. The annual registration fees for non-life hazard uses shall be as follows:

| Non-Life Hazard Use | Annual Registration Fee |
|------------------------------|-------------------------|
| <u>Mercantile</u> | \$75.00 |
| <u>Professional Business</u> | \$75.00 |
| Rented Housing/Lodging | <u>\$75.00</u> |
| Common Areas | <u>\$55.00</u> |
| Hotel/Motel | \$10.00 per room |

28-1.15 ENFORCEMENT, VIOLATIONS, AND PENALTIES

- a. Any owner, agency, or person or corporation who shall violate any provision of this ordinance or fail to comply therewith or with any of the requirements thereof, shall be subject to a penalty to be determined by the Fire Official. The effective date of the enforcement provisions set forth in this Section shall be twelve (12) months for existing structures and twenty (20) days from the passage of this amendment for new structures.
- b. The Fire Official of the appropriate Local Enforcing Agency shall be responsible to enforce this article as an amendment to N.J.A.C.5:70 et seq., and penalties may be assessed as provided in the New Jersey Uniform Fire Prevention Code.
- c. The maximum penalty for violation of any provision of this chapter shall be \$1000.00 \$2,500.00 or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the Municipal Court Judge. Any fines collected shall be forwarded to the Belmar Fire Prevention Bureau.
- d. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.
- e. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all may be appropriate for a particular case or violation, and shall be mandated where a specific penalty is set forth in each subsection herein above.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.