

ADMINISTRATIVE APPEAL RIGHTS

GENERAL

YOU MAY CONTEST THESE ORDERS AT AN Administrative Hearing. The request for a hearing must be made in WRITING WITHIN 15 days after receipt of this order. The application for appeal shall be accompanied by a fee in the sum of \$ 100.00 payable to Construction Board of Appeals and addressed to:

Construction Board of Appeals	Copy to: Bureau of Fire Prevention
Burlington County	Office of the Fire Official
49 Rancocas Road	780 Woodlane Road
Mount Holly, NJ 08060	Westampton, NJ 08060

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 the Fire Official. To be considered, the request 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 N.J.A.C. 5:70-2.10d, 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.

PENALTIES

The maximum penalty for any act or omission in violation of the act or code but not enumerated in this subsection is \$5000.00 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject the violator to a maximum penalty of \$500.00 per violation per day. Specific violations shall subject violators to penalties as follows:

1. IMMINENT HAZARD-PUNITIVE CLOSURE:
 - (i) Failure to obey an Imminent Hazard Order, a maximum of \$5000.00 per day for each day that the failure continues.
 - (ii) Failure to obey an order to close for a fixed period of time issued pursuant to N.J.A.C. 5:70-2.17, a maximum of \$5000.00 per day for each day that the failure continues.
2. EGRESS:
 - (i) Blocking, locking, or obstructing required exits in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
 - (ii) Blocking, locking, or obstructing required exits in any other place, a maximum of \$2500.00 per occurrence.
3. OCCUPANCY:
 - (i) Exceeding the maximum permitted occupancy in a place of public assembly or education...
 1. for the first offense, a maximum of \$2500.00
 2. for a subsequent offense, a maximum of \$5000.00
 - (ii) Exceeding the maximum permitted occupancy in any other place...
 1. for the first offense, a maximum of \$500.00
 2. for a subsequent offense, a maximum of \$ 2500.
4. FIRE PROTECTION EQUIPMENT:
 - (i) Failure to install a required suppression or detection device, after having been given written notice of the requirement to do so...
 1. in a place of public assembly or education, a maximum of \$2500.00 per violation per day.
 2. in any other place, a maximum of \$1000.00 per violation per day.
 - (ii) Disabling or decreasing the effectiveness of any fire suppression system or alarm device...
 1. in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
 2. in any other place, a maximum of \$1000.00 per occurrence.
5. FAILURE TO COMPLY WITH A LAWFUL ACTION
 - (i) A negligent or inadvertent failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$2000.00 per occurrence.
 - (ii) A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$5000.00 per occurrence.
6. OBSTRUCTION
 - (i) Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Commissioner or any member of a Local Enforcing Agency in the exercise of any power or the discharging of any function or duty under the provision of this Code - a maximum of \$2500.00 per occurrence.
7. PERMITS
 - (i) Failure to obtain a required permit prior to commencing the operations, process, or activity for which a permit was required - a maximum of double the amount of the applicable permit fee.
 - (ii) Failure to obtain a required permit after being ordered to do so while continuing the operation, process or activity - a maximum of \$5000.00 per day during which the operation, process, or activity continues.
8. REGISTRATION
 - (i) Failure to file a registration application after having been ordered to do so - an amount equal to double the registration application fee, but not less than \$200.00 or more than \$1000.00 for each registration.
 - (ii) Failure to pay required annual registration fee when due - an amount equal to the unpaid fee.
9. FALSE STATEMENTS
 - (i) Preparing, uttering, or rendering any false statement, pertaining to reports, documents, plans, or specifications permitted or required under the provisions of this Code - a maximum of \$5000.00
 - (ii) Submission of a materially false application for a permit or registration - a maximum of \$1000.00 per occurrence.

DEDICATED AND COMPENSATORY PENALTIES 5:70-2.12A

An owner, having been given notice of the existence of a violation and failing to abate same, shall in addition to being liable for penalties under N.J.A.C. 5:70-2.12A, also be liable to a dedicated penalty pursuant to this subsection (\$50,000.00 and \$150,000 for compensatory penalties).

FIRE DEPARTMENT COSTS 5:70-2.13 (a), (b), (c)

An owner who has been given notice of violation shall be responsible for a penalty not exceeding \$150,000.00, or the costs of suppressing any fire which directly or indirectly results from the violation, whichever is greater.

Claims arising out of penalty assessments can be compromised or settled only 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 over 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 the township attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 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.