



BRICK TOWNSHIP BUREAU OF FIRE SAFETY

253 Brick Boulevard, 2nd Floor
Brick Township, NJ 08723
(732) 458-4100 FAX (732) 458-4153
Email bureau@brickfire.org
Website www.brickfire.org

FIRE CODE VIOLATIONS

Premises The Turning Point

35 BEAVERSON BL 4D

Page

1 of 2

Reg. No.

1-1354

Date

10/18/2024

☐ If checked, a NJ Uniform Construction Code Permit is required.

*All code reference(s) below, are, herein noted with the added prefix N.J.A.C. 5:70-3 and same are incorporated for official documentation unless otherwise noted.

VIOLATIONS CITED ON THE ABOVE PREMISES ARE AS FOLLOWS:

Inspector

16127

Print Name

Borden, Aubrey

No.	Location/Nature & Description	*Code Reference	Abate By Status
1	Required emergency lighting including exit signs shall be tested and repaired, if necessary.	604.6	Unabated

YOU ARE HEREBY NOTIFIED THAT an inspection of the above reference property by the Brick Township Bureau of Fire Safety disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.). YOU ARE HEREBY ORDERED to correct the violations listed on the "violations" page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, you will be subject to penalties authorized by the Act and Department Regulations as noted on the Accompanying Document. IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in a fire.

I hereby acknowledge receipt of a copy of this NOTICE OF VIOLATIONS and ORDER TO CORRECT and my administrative appeal rights, notice of extension and penalties document.

Signature

Printed Name

Date

NOTE: The numbering of violations is for identification purposes and shall not be construed as bearing in any way on the seriousness of any violation.

See accompanying information concerning your administrative appeal rights, notice of extension and penalties.

BFS03NW-2016

APPEALS, EXTENSIONS AND PENALTIES

APPEALS: N.J.A.C. 5:70-2.19

A ruling, action, order or notice of a local enforcing agency may be appealed to the municipal or county Construction Board of Appeals in a manner pursuant to Section 9 of the State Uniform Code Act, P.L. 1975, C, 217, having jurisdiction in the municipality in which the building, structure or premises is located. Copies of a letter requesting an administrative hearing before a Construction Board of Appeals shall be sent to the offices of the Construction Board of Appeals and to the local enforcing agency. All hearing requests shall be made within fifteen (15) business days after date of service by the person making the appeal of the ruling, action, order or notice complained of. If an owner shall appeal an order to vacate, close or remove a building, structure or premises or to abate a violation within a specified period of time and such order was issued in response to an imminent hazard to life safety, a hearing shall be conducted and a final decision issued within 48 hours of receipt of the hearing request. Following the 24-hour period, this order shall remain in effect. If a request is made within 24 hours, a hearing shall be conducted and a final decision issued within 48 hours of the receipt of the hearing request. If no hearing is held by the Construction Board of Appeals within 48 hours of receipt of a request, an owner may apply to the Department of Community Affairs for a hearing. Failure to issue a decision shall constitute a denial of an owner's appeal.

Ocean County Construction Board of Appeals
239 Washington St. at 5 Mott Place
Toms River, NJ 08754-2191
Telephone Number: 732-929-2039

EXTENSIONS: N.J.A.C. 5:70-2.10 (d)

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 Brick Township Bureau of Fire Safety, 253 Brick Boulevard, 2nd Floor, Brick, New Jersey 08724 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 N.J.A.C. 5:70-2.10 (d) 2 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.

PENALTIES: N.J.A.C. 5:70-2.12

- (a) The Commissioner or local enforcing agency may assess, levy and collect penalties to ensure compliance with the Code. No penalty shall be imposed except upon issuance of a written order requiring abatement and the allowance of a reasonable specified period in which to comply, unless clear notice of the violation otherwise exist.
- (b) The maximum penalty for any act or omission in violation of the act or code but not enumerated in the subsection is \$5,000.00 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject a violator to a maximum penalty of \$500 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 \$5,000 per day for each day that the failure continues.
 - ii. Failure to obey an order to close for fixed period of time issued pursuant to N.J.A.C. 5:70-2.17 – a maximum of \$5,000 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 \$5,000 per occurrence;
 - ii. Blocking, locking or obstructing required exits in any other place – a maximum of \$2,500 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 \$2,500;
 - (2) For a subsequent offense – a maximum of \$5,000.
 - ii. Exceeding the maximum permitted occupancy in any other place:
 - (1) For the first offense – a maximum of \$500;
 - (2) For a subsequent offense – a maximum of \$2,500.
 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 \$2,500 per violation per day;
 - (2) In any other place – a maximum of \$1,000 per violation per day;
 - ii. Disabling or decreasing the effectiveness of any fire suppression or alarm device or system.
 - (1) In a place of public assembly or education – a maximum of \$5,000 per occurrence;
 - (2) In any other place – a maximum of \$1,000 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 or a local enforcing agency – a maximum of \$2,000 per occurrence.
 - ii. A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner or a local enforcing agency – a maximum of \$5,000 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 discharge of any function or duty under the provisions of this Code – a maximum of \$2,500 per occurrence.
 7. Permits:
 - i. Failure to obtain a required permit prior to commencing the operation, 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 \$5,000 per day during which the operation, process or activity continues.
 8. Registration
Failure to file a registration application after having been ordered to do so – an amount equal to double the applicable registration fee, but not less than \$200.00 or more than \$1,000. for each registration.
 - ii. Failure to pay the required annual registration fee when due – 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.
 - iii. Failure to obtain a Certificate of Carnival Registration—an amount equal to double the applicable registration 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 \$5,000.
 - ii. Submission of a materially false application for a permit or registration – a maximum of \$1,000 per occurrence.
 10. Special hazards:
 - i. For any violation N.J.A.C. 5:70-3 or 4 of this code which is not specifically enumerated above but which, under the circumstances, presents a specific hazard to life – a maximum of \$5,000 per violation per day. The violation notice must set forth the basis for determining the basis for a special hazard.
 - (c) Each day during which the violation remains unabated after the date or time specified in the order or notice for its correction or termination shall constitute an additional and separate violation.
 - (d) The filing of a timely appeal shall stay the action until a decision is made by the Construction Board of Appeals or the Commissioner, as the case may be.
 - (e) A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which correction 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.
 - (f) If a penalty order has not been satisfied by the 30th day after its issuance, the Commissioner or local enforcing agency may institute a civil penalty action by a summary processing under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et. Seq.) in the Superior Court or municipal court.
 1. A person who fails to pay immediately a money judgment rendered against him may be sentenced to imprisonment by the court for a period not exceeding six months, unless the judgment is sooner paid.
 2. All monies that are recovered as a result of the assessment of penalties shall be paid into the designated trust account and shall be appropriated to support the local enforcing agency's operation.
 - (g) The Commissioner or fire official may offer to reduce any penalty provided that such reduction is in the best interest of fire safety and will assure compliance. No penalty reduction can be made final while the violation that led to its assessment remains in existence.

DEDICATED PENALTIES: N.J.A.C. 5:70-2.12A

- (a) 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 assessed pursuant to this subsection.
 1. Whenever any penalty is assessed pursuant to N.J.A.C. 5:70-2.12, then a dedicated penalty in like amount shall be assessed pursuant to this section.
 2. The amount of any dedicated penalty assessed pursuant to this subsection shall be in accordance with the standards set forth in N.J.A.C. 5:70-2.12(b), except that a dedicated penalty of up to \$ 50,000 for each violation may be assessed where there is a serious injury or loss of human life directly or indirectly resulting from any unabated violation.
 3. Dedicated penalties assessed pursuant to the requirements of this subsection shall be assessed only once and shall not be assessed each day, as may be done in the case of penalties assessed pursuant to N.J.A.C. 5:70-2.12.



BRICK TOWNSHIP BUREAU OF FIRE SAFETY

253 Brick Boulevard, 2nd Floor
Brick Township, NJ 08723
(732) 458-4100 FAX (732) 458-4153
Email bureau@brickfire.org
Website www.brickfire.org

FIRE CODE VIOLATIONS

Premises Shore Nephrology,PA
35 BEAVERSON BL 5C

Page 1 of 2
Reg. No. 1-1611
Date 12/9/2024

☐ If checked, a NJ Uniform Construction Code Permit is required.

*All code reference(s) below, are, herein noted with the added prefix N.J.A.C. 5:70-3 and same are incorporated for official documentation unless otherwise noted.

VIOLATIONS CITED ON THE ABOVE PREMISES ARE AS FOLLOWS:

Inspector 16127
Print Name Borden, Aubrey

No.	Location/Nature & Description	*Code Reference	Abate By Status
1	All "Exit" signs shall be maintained visible, and all illuminated exit signs shall be illuminated at all times the structure is occupied. 1. exit hallway near waiting room	1013.1	Unabated

YOU ARE HEREBY NOTIFIED THAT an inspection of the above reference property by the Brick Township Bureau of Fire Safety disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.). YOU ARE HEREBY ORDERED to correct the violations listed on the "violations" page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, you will be subject to penalties authorized by the Act and Department Regulations as noted on the Accompanying Document. IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in a fire.

I hereby acknowledge receipt of a copy of this NOTICE OF VIOLATIONS and ORDER TO CORRECT and my administrative appeal rights, notice of extension and penalties document.

Signature _____

Printed Name _____

Date _____

NOTE: The numbering of violations is for identification purposes and shall not be construed as bearing in any way on the seriousness of any violation.

See accompanying information concerning your administrative appeal rights, notice of extension and penalties.

BFS03NW-2016

APPEALS, EXTENSIONS AND PENALTIES

APPEALS: N.J.A.C. 5:70-2.19

A ruling, action, order or notice of a local enforcing agency may be appealed to the municipal or county Construction Board of Appeals in a manner pursuant to Section 9 of the State Uniform Code Act. P.L. 1975, C. 217, having jurisdiction in the municipality in which the building, structure or premises is located. Copies of a letter requesting an administrative hearing before a Construction Board of Appeals shall be sent to the offices of the Construction Board of Appeals and to the local enforcing agency. All hearing requests shall be made within fifteen (15) business days after date of service by the person making the appeal of the ruling, action, order or notice complained of. If an owner shall appeal an order to vacate, close or remove a building, structure or premises or to abate a violation within a specified period of time and such order was issued in response to an imminent hazard to life safety, a hearing shall be conducted and a final decision issued within 48 hours of receipt of the hearing request by the Construction Board of Appeals. If a request is made within 24 hours of this order, a hearing shall be conducted and a final decision issued within 48 hours of receipt of a hearing request. Following the 24-hour period, this order shall remain in effect. If a request is made within 24 hours, a hearing shall be conducted and a final decision issued within 48 hours of the receipt of the hearing request. If no hearing is held by the Construction Board of Appeals within 48 hours of receipt of a request, an owner may apply to the Department of Community Affairs for a hearing. Failure to issue a decision shall constitute a denial of an owner's appeal.

Ocean County Construction Board of Appeals
239 Washington St. at 5 Mott Place
Toms River, NJ 08754-2191
Telephone Number: 732-929-2039

EXTENSIONS: N.J.A.C. 5:70-2.10 (d)

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 Brick Township Bureau of Fire Safety, 253 Brick Boulevard, 2nd Floor, Brick, New Jersey 08724 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 N.J.A.C. 5:70-2.10 (d) 2 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.

PENALTIES: N.J.A.C. 5:70-2.12

- (a) The Commissioner or local enforcing agency may assess, levy and collect penalties to ensure compliance with the Code. No penalty shall be imposed except upon issuance of a written order requiring abatement and the allowance of a reasonable specified period in which to comply, unless clear notice of the violation otherwise exist.
- (b) The maximum penalty for any act or omission in violation of the act or code but not enumerated in the subsection is \$5,000.00 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject a violator to a maximum penalty of \$500 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 \$5,000 per day for each day that the failure continues.
 - ii. Failure to obey an order to close for fixed period of time issued pursuant to N.J.A.C. 5:70-2.17 – a maximum of \$5,000 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 \$5,000 per occurrence;
 - ii. Blocking, locking or obstructing required exits in any other place – a maximum of \$2,500 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 \$2,500;
 - (2) For a subsequent offense – a maximum of \$5,000.
 - ii. Exceeding the maximum permitted occupancy in any other place:
 - (1) For the first offense – a maximum of \$500;
 - (2) For a subsequent offense – a maximum of \$2,500.
 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 \$2,500 per violation per day;
 - (2) In any other place – a maximum of \$1,000 per violation per day;
 - ii. Disabling or decreasing the effectiveness of any fire suppression or alarm device or system.
 - (1) In a place of public assembly or education – a maximum of \$5,000 per occurrence;
 - (2) In any other place – a maximum of \$1,000 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 or a local enforcing agency – a maximum of \$2,000 per occurrence.
 - ii. A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner or a local enforcing agency – a maximum of \$5,000 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 discharge of any function or duty under the provisions of this Code – a maximum of \$2,500 per occurrence.
 7. Permits:
 - i. Failure to obtain a required permit prior to commencing the operation, 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 \$5,000 per day during which the operation, process or activity continues.
 8. Registration
Failure to file a registration application after having been ordered to do so – an amount equal to double the applicable registration fee, but not less than \$200.00 or more than \$1,000, for each registration.
 - ii. Failure to pay the required annual registration fee when due – 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.
 - iii. Failure to obtain a Certificate of Carnival Registration—an amount equal to double the applicable registration 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 \$5,000.
 - ii. Submission of a materially false application for a permit or registration – a maximum of \$1,000 per occurrence.
 10. Special hazards:
 - i. For any violation N.J.A.C. 5:70-3 or 4 of this code which is not specifically enumerated above but which, under the circumstances, presents a specific hazard to life – a maximum of \$5,000 per violation per day. The violation notice must set forth the basis for determining the basis for a special hazard.
 - (c) Each day during which the violation remains unabated after the date or time specified in the order or notice for its correction or termination shall constitute an additional and separate violation.
 - (d) The filing of a timely appeal shall stay the action until a decision is made by the Construction Board of Appeals or the Commissioner, as the case may be.
 - (e) A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which correction 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.
 - (f) If a penalty order has not been satisfied by the 30th day after its issuance, the Commissioner or local enforcing agency may institute a civil penalty action by a summary processing under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et. Seq.) in the Superior Court or municipal court.
 1. A person who fails to pay immediately a money judgment rendered against him may be sentenced to imprisonment by the court for a period not exceeding six months, unless the judgment is sooner paid.
 2. All monies that are recovered as a result of the assessment of penalties shall be paid into the designated trust account and shall be appropriated to support the local enforcing agency's operation.
 - (g) The Commissioner or fire official may offer to reduce any penalty provided that such reduction is in the best interest of fire safety and will assure compliance. No penalty reduction can be made final while the violation that led to its assessment remains in existence.

DEDICATED PENALTIES: N.J.A.C. 5:70-2.12A

- (a) 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 assessed pursuant to this subsection.
 1. Whenever any penalty is assessed pursuant to N.J.A.C. 5:70-2.12, then a dedicated penalty in like amount shall be assessed pursuant to this section.
 2. The amount of any dedicated penalty assessed pursuant to this subsection shall be in accordance with the standards set forth in N.J.A.C. 5:70-2.12(b), except that a dedicated penalty of up to \$ 50,000 for each violation may be assessed where there is a serious injury or loss of human life directly or indirectly resulting from any unabated violation.
 3. Dedicated penalties assessed pursuant to the requirements of this subsection shall be assessed only once and shall not be assessed each day, as may be done in the case of penalties assessed pursuant to N.J.A.C. 5:70-2.12.



BRICK TOWNSHIP BUREAU OF FIRE SAFETY

253 Brick Boulevard, 2nd Floor
Brick Township, NJ 08723
(732) 458-4100 FAX (732) 458-4153
Email bureau@brickfire.org
Website www.brickfire.org

FIRE CODE VIOLATIONS

Premises Sunny Days Sunshine Center Inc.

35 BEAVERSON BL 11A

Page

1 of 2

Reg. No.

1-4443

Date

11/22/2024

☐ If checked, a NJ Uniform Construction Code Permit is required.

*All code reference(s) below, are, herein noted with the added prefix N.J.A.C. 5:70-3 and same are incorporated for official documentation unless otherwise noted.

Inspector

16127

Print Name

Borden, Aubrey

VIOLATIONS CITED ON THE ABOVE PREMISES ARE AS FOLLOWS:

No.	Location/Nature & Description	*Code Reference	Abate By Status
1	All emergency lighting fixtures and components shall be maintained secure, unobstructed, operable, and properly aimed to provide adequate illumination. Where unsecured, obstructed, misaligned or inoperable, they shall be immediately repaired. back right exit	1031.10	Unabated
2	Fire Alarm systems shall be inspected, tested and maintained by a NJ certified contractor - supply copy of service report	907.8	Unabated
3	Sprinkler systems shall be inspected, tested and maintained by a NJ certified contractor - supply copy of service report	903.5	Unabated

YOU ARE HEREBY NOTIFIED THAT an inspection of the above reference property by the Brick Township Bureau of Fire Safety disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.). YOU ARE HEREBY ORDERED to correct the violations listed on the "violations" page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, you will be subject to penalties authorized by the Act and Department Regulations as noted on the Accompanying Document. IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in a fire.

I hereby acknowledge receipt of a copy of this NOTICE OF VIOLATIONS and ORDER TO CORRECT and my administrative appeal rights, notice of extension and penalties document.

Signature

Printed Name

Date

NOTE: The numbering of violations is for identification purposes and shall not be construed as bearing in any way on the seriousness of any violation.
See accompanying information concerning your administrative appeal rights, notice of extension and penalties.

BFS03NW-2016

APPEALS, EXTENSIONS AND PENALTIES

APPEALS: N.J.A.C. 5:70-2.19

A ruling, action, order or notice of a local enforcing agency may be appealed to the municipal or county Construction Board of Appeals in a manner pursuant to Section 9 of the State Uniform Code Act. P.L. 1975, C. 217, having jurisdiction in the municipality in which the building, structure or premises is located. Copies of a letter requesting an administrative hearing before a Construction Board of Appeals shall be sent to the offices of the Construction Board of Appeals and to the local enforcing agency. All hearing requests shall be made within fifteen (15) business days after date of service by the person making the appeal of the ruling, action, order or notice complained of. If an owner shall appeal an order to vacate, close or remove a building, structure or premises or to abate a violation within a specified period of time and such order was issued in response to an imminent hazard to life safety, a hearing shall be conducted and a final decision issued within 48 hours of receipt of the hearing request by the Construction Board of Appeals. If a request is made within 24 hours of this order, a hearing shall be conducted and a final decision issued within 48 hours of receipt of a hearing request. Following the 24-hour period, this order shall remain in effect. If a request is made within 24 hours, a hearing shall be conducted and a final decision issued within 48 hours of the receipt of the hearing request. If no hearing is held by the Construction Board of Appeals within 48 hours of receipt of a request, an owner may apply to the Department of Community Affairs for a hearing. Failure to issue a decision shall constitute a denial of an owner's appeal.

Ocean County Construction Board of Appeals
239 Washington St. at 5 Mott Place
Toms River, NJ 08754-2191
Telephone Number: 732-929-2039

EXTENSIONS: N.J.A.C. 5:70-2.10 (d)

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 Brick Township Bureau of Fire Safety, 253 Brick Boulevard, 2nd Floor, Brick, New Jersey 08724 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 N.J.A.C. 5:70-2.10 (d) 2 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.

PENALTIES: N.J.A.C. 5:70-2.12

- (a) The Commissioner or local enforcing agency may assess, levy and collect penalties to ensure compliance with the Code. No penalty shall be imposed except upon issuance of a written order requiring abatement and the allowance of a reasonable specified period in which to comply, unless clear notice of the violation otherwise exist.
- (b) The maximum penalty for any act or omission in violation of the act or code but not enumerated in the subsection is \$5,000.00 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject a violator to a maximum penalty of \$500 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 \$5,000 per day for each day that the failure continues.
 - ii. Failure to obey an order to close for fixed period of time issued pursuant to N.J.A.C. 5:70-2.17 – a maximum of \$5,000 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 \$5,000 per occurrence;
 - ii. Blocking, locking or obstructing required exits in any other place – a maximum of \$2,500 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 \$2,500;
 - (2) For a subsequent offense – a maximum of \$5,000.
 - ii. Exceeding the maximum permitted occupancy in any other place:
 - (1) For the first offense – a maximum of \$500;
 - (2) For a subsequent offense – a maximum of \$2,500.
 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 \$2,500 per violation per day;
 - (2) In any other place – a maximum of \$1,000 per violation per day;
 - ii. Disabling or decreasing the effectiveness of any fire suppression or alarm device or system.
 - (1) In a place of public assembly or education – a maximum of \$5,000 per occurrence;
 - (2) In any other place – a maximum of \$1,000 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 or a local enforcing agency – a maximum of \$2,000 per occurrence.
 - ii. A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner or a local enforcing agency – a maximum of \$5,000 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 discharge of any function or duty under the provisions of this Code – a maximum of \$2,500 per occurrence.
 7. Permits:
 - i. Failure to obtain a required permit prior to commencing the operation, 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 \$5,000 per day during which the operation, process or activity continues.
 8. Registration
Failure to file a registration application after having been ordered to do so – an amount equal to double the applicable registration fee, but not less than \$200.00 or more than \$1,000. for each registration.
 - ii. Failure to pay the required annual registration fee when due – 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.
 - iii. Failure to obtain a Certificate of Carnival Registration—an amount equal to double the applicable registration fee.
 9. False statements:
 - i. Preparing, uttering and rendering any false statement, pertaining to reports, documents, plans or specifications permitted or required under the provisions of this code – a maximum of \$5,000.
 - ii. Submission of a materially false application for a permit or registration – a maximum of \$1,000 per occurrence.
 10. Special hazards:
 - i. For any violation N.J.A.C. 5:70-3 or 4 of this code which is not specifically enumerated above but which, under the circumstances, presents a specific hazard to life – a maximum of \$5,000 per violation per day. The violation notice must set forth the basis for determining the basis for a special hazard.
 - (c) Each day during which the violation remains unabated after the date or time specified in the order or notice for its correction or termination shall constitute an additional and separate violation.
 - (d) The filing of a timely appeal shall stay the action until a decision is made by the Construction Board of Appeals or the Commissioner, as the case may be.
 - (e) A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which correction 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.
 - (f) If a penalty order has not been satisfied by the 30th day after its issuance, the Commissioner or local enforcing agency may institute a civil penalty action by a summary processing under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et. Seq.) in the Superior Court or municipal court.
 1. A person who fails to pay immediately a money judgment rendered against him may be sentenced to imprisonment by the court for a period not exceeding six months, unless the judgment is sooner paid.
 2. All monies that are recovered as a result of the assessment of penalties shall be paid into the designated trust account and shall be appropriated to support the local enforcing agency's operation.
 - (g) The Commissioner or fire official may offer to reduce any penalty provided that such reduction is in the best interest of fire safety and will assure compliance. No penalty reduction can be made final while the violation that led to its assessment remains in existence.

DEDICATED PENALTIES: N.J.A.C. 5:70-2.12A

- (a) 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 assessed pursuant to this subsection.
 1. Whenever any penalty is assessed pursuant to N.J.A.C. 5:70-2.12, then a dedicated penalty in like amount shall be assessed pursuant to this section.
 2. The amount of any dedicated penalty assessed pursuant to this subsection shall be in accordance with the standards set forth in N.J.A.C. 5:70-2.12(b), except that a dedicated penalty of up to \$ 50,000 for each violation may be assessed where there is a serious injury or loss of human life directly or indirectly resulting from any unabated violation.
 3. Dedicated penalties assessed pursuant to the requirements of this subsection shall be assessed only once and shall not be assessed each day, as may be done in the case of penalties assessed pursuant to N.J.A.C. 5:70-2.12.