



TOWN OF CLINTON
INCORPORATED APRIL 5, 1865
43 Leigh St., P.O. Box 5194
Clinton, N.J. 08809-5194
(908) 735-8616 FAX (908) 735-8082

UNIFORM FIRE CODE VARIANCE REQUEST

Upon the application of property owner or lessee with consent of the owner, the fire official may grant a variance from the requirements of a regulation or standard adopted pursuant to the Act; provided, however, that no variance shall be granted unless it is determined that strict compliance would result in practical difficulty and that the variance, if granted, would not unreasonably jeopardize the safety of the occupants or intended occupants, firefighters or the public generally. 1. In any facility subject to regulation by any State agency, no variance shall be granted except after consultation with that State agency. 2. Financial hardship alone shall not be grounds for a variance. An application for a variance shall be made in writing, shall be filed with the fire official and shall set forth the following information:

You will be notified within 30 days after submitting this application if it is granted or denied. An application which is not granted within 30 days shall be deemed to have been denied. A denial of an application may be appealed in the same manner as any other ruling issued by the Fire Official.

A \$ 50.00 fee is due upon application of this form. Please make check payable to Town Of Clinton.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

REGISTRATION NUMBER: _____

NAME OF BUSINESS: _____

ADDRESS OF BUSINESS: _____

City, State, Zip Code: Clinton, New Jersey 08809

The code section number and the requirements of the regulations from which a variance is sought:

The manner in which strict compliance with the regulation would result in practical difficulty:

The nature and extent of the practical difficulty: _____

Feasible alternatives which would adequately protect the occupants or intended occupants, firefighters and the public:

Date: _____

Signature of Applicant

DEPARTMENTAL USE ONLY

The above application has been reviewed and the request for a variance is hereby granted denied.

The following are the reasons for denial of the variance request: (Appeal Rights are on reverse side)

The following restrictions is/are hereby made part of this variance and strict compliance to these restrictions shall be maintained. At any time should the restrictions not be followed, the variance is subject to being revoked and a violation of the regulations shall exist. Violations of the regulations are subject to a penalty assessment.

RESTRICTIONS:

Date: _____

Fire Official

ADMINISTRATIVE APPEAL RIGHTS

YOU MAY CONTEST THESE ORDERS AT AN Administrative Hearing. The request for a hearing must be in writing within 15 days after receipt of this order along with the appropriate fee of \$100.00 and sent to:

COUNTY OF HUNTERDON
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 2900
FLEMINGTON, NEW JERSEY 08822

In accordance with N.J.A.C. 5:70-2.19 an appeal shall be signed by a proper party and shall include:

- a) The date of the act, which is the subject of the appeal.
- b) The name and status of the person submitting the appeal.
- c) The specific violations or other act claimed to be in error; and
- d) A concise statement of the basis for the appeal

You are advised that only matters deemed to be CONTESTED CASES, as defined by the Administrative Procedures Act, will be scheduled for a Hearing. If a hearing is scheduled, you will be notified in advance of the time and place.

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 Town of Clinton Department of Fire Prevention. 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. The form for a Request for an Extension of Time may be obtained from the Town of Clinton Department of Fire Prevention.

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. In addition, the request for an extension constitutes a waiver of the right to a hearing as to those violations for which an extension is applied.

PENALTIES

Pursuant to N.J.A.C. 5:70-2.12, a 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 requirements to do so-a maximum of \$1,000 per day.
- b. Failure to abate any violation after having been given written notice of the violation-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 assembly-a maximum of \$5,000 per occurrence.
 - ii. In any other place-a maximum of \$1,000 per occurrence.
- e. Failure to obey a notice of imminent hazard and order to vacate-a maximum of \$5,000 per day the failure continues.
- f. 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.
- g. Obstructing the entry of an authorized inspector into a premises-a maximum of \$500 for each occurrence.
- h. Any willfully false application for a permit or registration-a maximum of \$1,000 for each occurrence.
- i. Any other act or omission prohibited by the Act or 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 local enforcing agency may institute a civil penalty action by a summary proceeding under "The Penalty Enforcement Act" (N.J.S.A. 2A:58-10 et seq.) in the Superior or municipal court.

NOTICE:

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