



Township of Maple Shade

Office of the Fire Marshal

200 Stiles Avenue
Maple Shade, NJ 08052
856-779-9610

Variance Application

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 BY THE COMMISSIONER.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

Name of Business: _____

Address of Premises: _____

The requirements of the regulation from which a variance is sought:

The matter 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:

VARIANCES REQUEST SHALL BE SUBJECTED TO N.J.A.C. 5:70-2.14 (COPY ATTACHED)

Approved _____ Denied _____

Fire Marshal Signature _____

Date _____

Signature of Applicant _____

Date _____



5:70-2.13

COMMUNITY AFFAIRS

(b) The suppression costs shall include, but not be limited to, costs of labor, equipment and material incurred by municipalities, fire districts or fire departments involved in suppressing the fire, as well as any other actual expenses, including attorney fees, incurred for the collection of the penalty. If a compensatory penalty in excess of \$150,000 is sought, the cost of suppression shall be certified to the fire official of the area in which the fire occurred by the chiefs of the suppression units involved.

(c) The fire official shall serve notice on the owner and order payment. The notice shall state the violations justifying imposition of the penalty. If payment is not received within 30 days, the fire official shall pursue collection in the manner specified herein for penalties. The monies collected shall be paid to the municipalities or districts and appropriated in accordance with N.J.A.C. 5:70-2.12A(b).

New Rule, R.1995 d.58, effective March 6, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).
Amended by R.2002 d.372, effective November 18, 2002.
See: 34 N.J.R. 2636(a), 34 N.J.R. 3958(a).

5:70-2.14 Variances

(a) Upon the application of a property owner or lessee with the 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, fire fighters 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.

(b) An application for a variance shall be made in writing, shall be filed with the fire official and shall set forth the following information:

1. The requirements of the regulation from which a variance is sought;

2. The manner in which strict compliance with the regulation would result in practical difficulty;

3. The nature and extent of the practical difficulty; and

4. Feasible alternatives which would adequately protect the occupants or intended occupants, fire fighters and the public generally.

(c) Within 30 days after receiving an application for a variance, the fire official shall grant or deny the application in writing, stating the reasons for his action.

1. An application which is not granted within 30 days shall be deemed to have been denied.

2. A denial of an application for a variance may be appealed in the same manner as any other ruling of the fire official.

(d) Copies of all variance applications and records of the action taken on them shall be maintained as permanent public records by the fire official.

1. A fire official shall promptly provide the Division with copies of all decisions granting or denying variances after they have been rendered.

(e) Variations to requirements found in the Uniform Construction Code may only be granted by the Construction Official in accordance with the Uniform Construction Code.

(f) In accordance with N.J.A.C. 5:70-4.16(a)2i, variances shall not be granted for interior finishes in amusement buildings.

Amended by R.1986 d.214, effective June 16, 1986.

See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

(e) added.

Amended by R.1993 d.628, effective December 6, 1993.

See: 25 N.J.R. 4363(a), 25 N.J.R. 5466(a).

Recodified from 5:18-2.3 and amended by R.1995 d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Amended by R.2004 d.423, effective November 15, 2004.

See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).

Added (f).

5:70-2.15 Injunctive relief

The enforcing agency may petition the Superior Court for mandatory injunctive relief enforcing an order issued pursuant to the Act. The Superior Court may proceed in a summary manner or otherwise, and shall have power to grant temporary relief or a restraining order as it may deem just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, any order issued pursuant to the Act.

Recodified from 5:18-2.13, R.1995 d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

5:70-2.16 Imminent hazards

(a) If, upon an inspection, the enforcing agency discovers a violation of the Act that constitutes an imminent hazard as defined in (b) below, the enforcing agency shall issue and cause to be served on the owner of the premises, or on the violator, a written order directing that the premises be vacated, closed, or removed forthwith or that the violation be corrected within a period not to exceed 24 hours. The order shall state the nature of the violation and the date and hour by which the premises shall be vacated, closed or removed or the violation shall be abated.