

**COUNTY OF SUSSEX  
TOWNSHIP OF MONTAGUE  
ORDINANCE 2022-06**

**AN ORDINANCE TO AMEND CHAPTER 36 OF THE CODE OF THE TOWNSHIP OF  
MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, IN ORDER TO RELIEVE  
THE UNDUE FIRE CODE FEE BURDEN ON CERTAIN RENTAL PROPERTIES IN THE  
TOWNSHIP**

**WHEREAS**, the Township Committee of the Township of Montague ('Township Committee') in 2021 approved Ordinance Number 2021-18, permitting certain rentals of residential properties within the Township for periods of 60 days or fewer and imposing restrictions upon such rentals ('Short-Term Rentals'); and

**WHEREAS**, Chapter 36 of the Code of the Township of Montague ('Township Code') imposes residential smoke detector, carbon monoxide, and portable fire extinguisher fees on the basis of changes in occupancy of residential properties in the Township; and.

**WHEREAS**, as concerns Short-Term Rentals, wherein occupancy can change on a short-term basis, Chapter 36 of the Township Code unreasonably requires that smoke detector, carbon monoxide, and portable fire extinguisher fees be paid and inspections be conducted on the basis of changes in occupancy therein; and

**WHEREAS**, N.J.A.C. §5:70-2.3 establishes that the appropriate enforcing agency may issue a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance ('CSACMAPFEC') valid for up to 12 months in the case of certain rental properties, regardless of the number or frequency of changes in tenancy; and

**WHEREAS**, the Township Committee wishes to modify Chapter 36 of the Township Code to account for the frequent changes of tenancy in the Township's Short-term Rental properties and to relieve the owners of Short-Term Rental properties of the undue burden imposed by Chapter 36 of the Township Code, as currently written.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Montague, County of Sussex and State of New Jersey as follows:

**I. § 36 Fire Code.**

(6) is amended to read as follows:

(6) **Residential smoke detector/carbon monoxide/ fire extinguisher fees.**

A. Except as provided in § 36-6(B), fees for Inspection and Certificate of Smoke Detector, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance are provided for by this section. The application fee for a certificate of smoke detector, carbon monoxide alarm, and portable fire extinguisher compliance ('CSACMAPFEC'), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

(1) Requests for a CSACMAPFEC received more than 10 business days prior to the change of occupant: \$45.

(2) Requests for a CSACMAPFEC received four to 10 business days prior to the change of occupant: \$90.

(3) Requests for a CSACMAPFEC received fewer than four business days prior to the change of occupant: \$161.

(4) Reinspection fee for all units that fail the inspection: \$50.

B. As concerns Short-Term Rental properties, defined by § 54B(1), fees for Inspection and Certificate of Smoke Detector, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance are provided for by this section. The application fees for a certificate of smoke detector, carbon monoxide alarm, and portable fire extinguisher compliance ('CSACMAPFEC'), as required by N.J.A.C. 5:70-2.3, shall be as follows:

(1) A \$45 application fee ('Fee') shall be imposed in connection with requests for a CSACMAPFEC made as part of an initial application for short-term rental permit, which requests shall be inherent to the application for short-term rental permit established by § 54B(9)(E), and which Fee shall be drawn from the \$750 application fee imposed by § 54B(9)(E).

(2) A \$45 application fee ('Fee') shall be imposed in connection with requests for a CSACMAPFEC made as part of an application for short-term rental permit renewal, which requests shall be inherent to the application for short-term rental permit renewal established by § 54B(9)(F), and which Fee shall be drawn from the \$350 application fee imposed by § 54B(9)(F).

(3) Reinspection fee for all units that fail the inspection: \$50.

**Codification.** This Ordinance may be renumbered for codification purposes.


**Inconsistency.** All Ordinances of the Township of Montague which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Partial Invalidity.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**Effect Date.** This Ordinance shall take effect immediately following adoption and publication as required by law.

Adopted: April 26, 2022

ATTEST:

  
Eileen DeFabiis, RMC/CMR

  
Richard E. Innella, Mayor

<b>RECORD OF COMMITTEE VOTES</b>				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
GEORGE ZITONE	X			
MAYOR RICHARD E. INNELLA	X			