ADMINISTRATIVE APPEAL RIGHTS

The owner of the premises or of the use, or an authorized agent of the owner MAY CONTEST THIS ORDER at an Administrative Hearing. The request for a hearing must be in writing within 15 days after receipt of this order and addressed to:

Borough of West Long Branch
965 Broadway
West Long Branch NJ 07764
Attn: Fire Marshal

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 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 WEST LONG BRANCH FIRE MARSHAL. 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 NOTICED THAT, pursuant to NJAC 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.

ALSO TAKE NOTICE THAT, pursuant to N.J.A.C. 5:70-2.12A, 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 in the like amount.

A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which corrections 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.

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 Law (N.J.S.A. 2A:58-10 et seq.) in the Superior Court or municipal court.

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