



FILE COPY

State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

October 28, 2013

Municipality: Neptune Township

Fire District No. 1

LEA Code: 1334-001

Fire Official: Dwayne Breeden

Dwayne Breeden, Fire Official
230 Neptune Boulevard
Neptune, New Jersey 07753

Re: Field Monitoring Visit

N.J.A.C. 5:71-2.10 provides that the Division of Fire Safety shall institute a regular program of monitoring local enforcing agencies to ensure the Code is being properly enforced. Recently, a Division Fire Code Assistance Representative made an initial field visit to your local enforcing agency.

Our representative reviewed your LEA operation's including matters involving the local ordinance, staffing, finances and records relating to registration, permits, inspections and penalties. After considering the information, it appears that the LEA operation and Code enforcement activities are basically consistent with the standards of the Uniform Fire Code except as noted below.

We require you make the changes or take the corrective action indicated in order to comply with Code requirements.

LEA OPERATIONS

1. N.J.A.C. 5:71-3.7 requires the local enforcing agencies shall use approved standardized forms. Forms not approved are; Notice of Violation and Order to Correct; Fire Code Violation; Order to Pay Penalty/Recurring Violation; Order to Pay Violation and Abate Violations; Application for Permit; Fire Safety Permit; Punitive Closing Order; and Inspection Certificate. Provide DFS representative with corrected forms and appeal rights.
2. N.J.A.C.5:71-3.7(b)1ii requires what information is to be on the inspection report. The field representative found reviewing random files that inspection reports did not contain all the required information. Please review your LEA's reports for completion.

LEA OPERATIONS – continued

3. N.J.A.C.5:71-3.7(b)2ii requires information for the Notice of Violation and Order to Correct. The field representative found in reviewing random files that the Notice of Violations and Order to Correct did not contain all the required information.
4. N.J.A.C.5:71-3.4(a)1 requires copies of all official notifications be in the local enforcing agencies files. The field representative found in reviewing random files that occupancy load signs were not maintained.
5. N.J.A.C.5:71-3.7(b)3ii13 requires re-inspection be documented. The field representatives found in reviewing of random file that re-inspections were not documented.



6. N.J.A.C.5:70-2.10(d) requires time extensions when violations are not abated and where penalties are not issued. The field representative found in reviewing random files that time extensions were not issued where the violations were not abated and penalties were not issued.
7. Our monitoring revealed deficiencies related to enforcement of Subchapter 4, "retrofit" provisions of the State's Fire Safety Code. Due to the nature of these Code requirements, you must devote immediate attention to their enforcement in the uses in your jurisdiction. Review all LHU's and NLHU's for retrofit violations.
8. The following premises were inspected and violations of the Code were found. Please provide a copy of the violations to the DFS field representative;
 - Jackson Funeral Home
272 Neptune Boulevard
Reg.#1334072319
N.J.A.C. 5:70-3,1008.4 The use of double keyed dead bolt locks are prohibited on egress doors;
N.J.A.C.5:70-3,1008.1.8.4 Thumb bolt locks are prohibited on egress doors;
N.J.A.C.5:70-3,1028.5 Screen door on rear exit door swings in wrong direction that obstructs egress;
N.J.A.C. 5:70-4.7(h)6 Install a supervised automatic fire alarm system in accordance with the New Jersey Uniform Construction Code for windowless basement
N.J.A.C.5:70-4.11(l)5 Egress doors require panic bars;
N.J.A.C.5:70-4.11(i)1 Install emergency lighting, including exit discharge;
N.J.A.C.5:70-4.11(j) All required emergency lighting require backup power
N.J.A.C.5:70-4.11(k)4 All "Exit" signs shall be illuminated and connected to an emergency power source;
N.J.A.C.5:70-4.11(m) Every required exit stairway having three or more risers requires handrails installed in accordance with the provisions of the New Jersey Uniform Construction Code;

LEA OPERATIONS – continued

- N.J.A.C.5:70-4.13(c)1 In Use Group A, a minimum 30 minute fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories.
- Holy Innocence School
3455 Bay Avenue
Reg.# 1334044713
N.J.A.C.5:70-3,907.20 Test and maintain Fire Alarm as per NFPA 72;
N.J.A.C.5:70-3,404.5.1 Post Fire Evacuation Map in each class room;
N.J.A.C.5:70-3,1003.4 Post occupancy load signs;
N.J.A.C.5:70-4.11(i)1 Install emergency lighting, including exit discharge;
N.J.A.C.5:70-4.11(j) All required emergency lighting require backup power;
N.J.A.C.5:70-4.11(l)5 Egress doors require panic bars;
N.J.A.C.5:70-4.13(b) All interior vertical openings of four to six floors require a minimum one hour fire barrier;
N.J.A.C.5:70-4.13(c)3 In Use Group E, a minimum one hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories.
 - East Coast Cooking
3548 Highway 667
Reg#1334073911
N.J.A.C. 5:70-2.20(a)1 Install Reflective Truss Roof ("R") sign;
N.J.A.C. 5:70-2.20(a)2 Install Truss Roof sign to the left of the main entrance door;
N.J.A.C.5:70-3,1008.6 Maintain Panic Hardware as required by NJ UCC;
N.J.A.C.5:70-3,1028.5 A means of egress shall be free from obstructions that would prevent its use;
N.J.A.C.5:70-3,1008.1 Doors: Means of egress shall readily distinguishable from the adjacent construction and finishes such that the doors are easily recognizable as doors

FINANCES

1. N.J.A.C. 5:71-2.6(d) provides that all revenues generated pursuant to the Act or local implementing ordinance which are collected by or provided to a county or municipality shall be appropriated by the local governing body to the local enforcing agency for the purpose of enforcing the Code, operating the local enforcing agency and advancing local fire prevention interests. The field representative found in review of Neptune Township Fire District No.1's 2012 Annual Budget, it did not contain line items in either the revenue section or the appropriation section for the Uniform Fire Safety Act. The field representative found in review the 2012 Annual Report submitted to the Division of Fire Safety by Fire Official Breeden, that the local enforcing agency collected \$101,900.35. Please note, we are directing the fire official to make a more detailed budget.

FINANCES - continued

2. The Division requires an isolated financial statement for LEA activities to allow us to readily track LEA fiscal affairs. A breakdown of the LEA budget allows us to review the actual costs of the LEA operation for such items as salaries, equipment, supplies and legal fees. Therefore, please provide a separate LEA operation breakdown for our review to account for the \$101,900.35. Please be advised that the LEA's financial records must be updated to accurately reflect all monies received by the LEA and all expenditures. Additionally, you should carefully monitor the funds received by the LEA and promptly report any discrepancies to this office.
3. N.J.S.A. 52:27D-203b states that the local enforcing agency shall have at least one paid fire inspector. Neptune Fire Commissioners claims that \$80,000 is the fire official's salary. However, the fire official is part time and has other duties such as a paid fire fighter. The field representative was not provided with a resolution or salary ordinance to show the fire official is paid.

ORDINANCE

1. By resolution #2009-1-5-14, the Neptune Board of Fire Commissioners appointed Dwayne Breeden as "Temporary Fire Official." On 9/30/13, the State of New Jersey Division of Fire Safety conducted a monitoring of the Neptune Fire District No.1 local enforcing agency. Fire Official Breeden was still in the temporary position as the fire official. Neptune Township Ordinance No.01-3 Section 15-1.6 c1 titled "Terms of Office" states that the temporary positions shall not exceed 364 consecutive days. It appears that Fire Official Breeden has been in that position for longer than 364 consecutive days. His temporary appointment has lasted from 2009 to present in violation of this section of Neptune's Ordinance.

We request that you 1) promptly make or initiate the required corrections, and 2) within three (3) months, provide us a written status report regarding changes implemented or actions taken in response to this letter.

We are obligated to inform you that your failure to either respond or to initiate the corrective actions indicated would subject you to the sanctions specified in N.J.A.C. 5:71-4.6. Consequently, if you disagree with any of the above items, please advise us in writing within 15 days.

We thank you for the opportunity to review your office and for your ongoing enforcement efforts, and we ask that you or interested others contact me at (609) 475-5320 or frank.clark@dca.state.nj.us with any questions. Our representative will pay specific attention to these matters on the follow-up audit of your LEA.

Sincerely,



Frank Clark, FCAR1
Local Assistance Unit
Division of Fire Safety

c: John Fritz, President of Board of Fire Commissioners
George Beckett, FCAR
Robert Lenox, III, FCAR