

New Jersey Court Sides with Storage Operator on Fire Hazard Fee

Since its inception, the SSA has worked to create a clear distinction between traditional warehouses and self storage facilities. For the storage industry, the implications can be significant.

Mitch Danzis of Bernardsville, New Jersey's Storage Station, spent four years protesting what he believed was the state's attempted misapplication of its Life Hazard Use Fee. Officials wanted to treat self storage facilities as warehouses in order to apply the fee. Not only would this be expensive for the storage operators, but the designation also would result in strict and unnecessary regulations.

When officials were unresponsive to his concerns, Danzis filed an administrative appeal. He argued that the state lien

law definitions clearly differentiate between warehousing, which was subject to the fee, and self storage. State officials were unwilling to recognize the clear distinction between the two business models. Further he noted that the Life Hazard Use Fee was being implemented randomly throughout the New Jersey, with no uniform regularity.

With a regular fee of several thousand dollars charged because of this designation, it was important to Danzis that the matter be resolved. In September, the administrative law judge sided with the operator, referencing the statute which states: "A self-service storage facility is not a warehouse as used in Chapter 7 Title 12A of the NJ Statutes." ♦

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