

**TOWNSHIP OF LONG HILL
ORDINANCE #427-18**

**AN ORDINANCE REVISING CONSTRUCTION PERMIT FEES
AND AMENDING CHAPTER XXIX OF THE TOWNSHIP CODE ENTITLED
“UNIFORM CONSTRUCTION CODE AND CONSTRUCTION REQUIREMENTS”**

WHEREAS, *N.J.A.C. 5:23-4.17* provides that:

“The municipality shall set enforcing agency fees by ordinance for the following activities: plan review, construction permit, certificate of occupancy, certificates of continued occupancy [and] demolition permit . . .

....

(b) On or before February 10 of each year, in a municipality that budgets according to the calendar year . . . , the construction official shall, with the advice of the subcode officials and in consultation with the municipal finance officer, prepare and submit to the governing body a report detailing the receipts and expenditures of the enforcing agency and indicating [her] recommendations for a fee schedule, based on the operating expense of the agency.

1. The report shall be structured in accordance with (c) below and with such guidelines as shall be issued from time-to-time by the Commissioner so as to accurately portray true enforcing agency expenses in general and for structures of different use groups. This report shall serve as the basis for the ordinance to be enacted by the municipality, as it may deem appropriate, establishing the fee schedule.

2. A copy of the construction official’s report recommending a fee schedule and setting forth enforcing agency revenues and expenses shall be filed with the Department when prepared and a copy of the ordinance, together with the fee schedule, shall be filed with the Department when enacted or amended.

3. The appropriation and expenditure of construction code fee revenues generated from the fee schedule established pursuant to (b)1 above shall be audited annually by an independent auditor acceptable to the Department and a copy of the auditor’s report shall be provided to the Department when it is issued to the municipality . . .

(c) Costs: The fee schedule shall be calculated to reasonably cover the municipal costs of enforcing the regulations . . . ”;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter XXIX of the Township Code

entitled “Uniform Construction Code and Construction Requirements” is hereby amended as follows:

Section 1. Subsection 29-1.2 of the Township Code entitled “Construction Permit Fee” is hereby amended in its entirety to read as follows:

“The fee for a construction permit shall be the sum of the applicable fees listed in paragraphs a. through c. hereof and shall be paid before the permit is issued.

a. *Building Subcode Fees.* The building subcode fees shall be as follows:

1. For new buildings and structures and additions the fee shall be \$0.040 per cubic foot
 - (a) ~~For Use Groups, B, E, H, I, M, and R-1: \$0.035 per cubic foot~~
 - (b) ~~For Use Groups, A, F, R-2, S, and U: \$0.025 per cubic foot~~
 - (c) ~~For Use Groups R-3, R-4 and R-5: including accessory buildings and structures: \$0.015 per cubic foot.~~
2. For alterations or renovations, fees shall be calculated on the total estimated cost (value) of the work, including labor and materials, the fee shall be \$40.00 per \$1,000.00 of estimated cost of residential work and \$50.00 per \$1,000.00 of estimated cost of commercial work.
 - (a) ~~For a value of fifty thousand (\$50,000.00) dollars, seventeen (\$17.00) dollars per one thousand (\$1,000.00) dollars of estimated value;~~
 - (b) ~~For a value from fifty thousand one (\$50,001.00) dollars to one hundred thousand (\$100,000.00) dollars, fifteen (\$15.00) dollars per one thousand (\$1,000.00) dollars of estimated value;~~
 - (c) ~~For a value over one hundred thousand (\$100,000.00) dollars, thirteen (\$13.00) dollars per one thousand (\$1,000.00) of estimated value.~~

- (d) ~~Notwithstanding the fees outlined above, the fee for farm use buildings shall be \$.004 per cubic foot with a maximum fee of four hundred (\$400.00) dollars per building.~~
3. Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with paragraphs 1 and 2 above.
 4. For swimming pool, the fee shall be:
 - (a) Above-ground pool: seventy-five (\$75.00) ~~fifty (\$50.00)~~ dollars,
 - (b) In-ground pool: three hundred (\$300.00) dollars.
 5. For retaining walls, the fee shall be:
 - (a) A retaining wall ~~with a surface area greater than five hundred fifty (550) square feet.~~ that is associated with a Class 3 residential structure, one hundred (\$100.00) dollars.
 - (b) ~~A retaining wall with a surface area of five hundred fifty (550) square feet or less that is associated with a Class 3 residential structure, fifty (\$50.00) dollars.~~
 - (c) ~~(b)~~ A newly constructed retaining wall of any size at other than a Class 3 residential structure shall be calculated in accordance with paragraph 2 above.
 6. Fee for signs shall be two (\$2.00) dollars per square foot of sign area, calculated on one (1) side of double-faced signs;
 7. Fees the construction or installation of a masonry chimney shall be \$100.00
 - ~~7. Fees for siding and roofing shall be ten (\$10.00) dollars per one thousand (\$1,000.00) dollars of the estimated easts, provided the minimum fee shall be fifty (\$50.00) dollars;~~
 8. Fees for residential tool or storage sheds over two hundred (200) ~~one hundred (100)~~ square feet in area or over ten (10') feet in height, shall be one hundred (\$100.00) ~~fifty (\$50.00)~~ dollars;
 9. An administrative fee of eighty-four (\$84.00) dollars for each construction permit issued for an asbestos hazard abatement project, with an administrative fee of twenty-five (\$25.00) ~~seventeen (\$17.00)~~ dollars for each Certificate of Occupancy issued following the successful completion of an asbestos hazard

abatement project;

10. (Reserved)

11. Fees for each tent in excess of nine hundred (900) square feet in area or more than thirty (30') feet in any dimension shall be two hundred (\$200.00) ~~seventy-five (\$75.00)~~ dollars. Electrical permits shall be assessed separately;

12. Fees for moving a structure from one lot to another or to a new location on the same lot shall be five (\$5.00) dollars per one thousand (\$1,000.00) dollars of the sum of the estimated cost of moving. The fee for a new foundation and for placement in a completed condition in the new location shall be the same fee as in paragraph 1(a) above; provided that the minimum fee shall be seventy-five (\$75.00) dollars;

13. Fees for demolition shall be as follows:

(a) For a one (1) or two (2) family dwelling: one hundred fifty (\$150.00) dollars per dwelling unit;

(b) For a residential accessory structure ~~garage:~~ fifty (\$50.00) dollars;

(c) For any other building or structure: two hundred fifty (\$250.00) dollars per building or structure;

(d) Fees for partial demolition in anticipation of construction shall be calculated as an alteration, with fees set forth in paragraph 2 above;

~~(e) A training fee surcharge of \$0.00265 per cubic foot, mandated by N.J.A.C. 5:23-4.19 (b) shall be charged for all permits except: demolition new buildings and structures, and additions to existing buildings and structures.~~

~~(f) For removal of underground storage tank: seventy (\$70.00) dollars. now FIRE~~

14. Lead Hazard Abatement Fees.

(a) The fee for lead hazard abatement work shall be \$140.00.

(b) The fee for a lead abatement clearance certification shall be \$25.00

15. The minimum building subcode fee shall be sixty-five (\$65.00)

~~(\$45.00)~~ dollars.

- b. *Electrical Subcode Fees.* The electrical subcode fees shall be as follows:
1. For installation or replacement of outlets, fixtures, receptacles, including lighting outlets, wall switches, fluorescent fixtures, line voltage smoke detectors, low voltage fire alarm systems, burglar alarm systems, convenience receptacles or similar fixtures, and motors or other devices of less than one (1) horsepower or kilowatt, the fee shall be as follows:
 - (a) From one (1) to fifty (50) devices, the fee shall be fifty (\$50.00) ~~forty-five (\$45.00)~~ dollars;
 - (b) For each additional twenty-five (25) devices, the fee shall be fifteen (\$15.00) ~~ten (\$10.00)~~ dollars;
 2. For each motor or similar electrical device, the fees shall be as follows:
 - (a) For one (1) to ten (10) horsepower, the fee shall be fifteen (\$15.00) ~~ten (\$10.00)~~ dollars;
 - (b) For greater than ten (10) horsepower, but less than or equal to fifty (50) horsepower, the fee shall be fifty (\$50.00) ~~forty-five (\$45.00)~~ dollars;
 - (c) For greater than fifty (50) horsepower, but less than or equal to one hundred (100) horsepower, the fee shall be one hundred (\$100.00) dollars;
 - (d) For greater than one hundred (100) horsepower, the fee shall be five hundred (\$500.00) dollars.
 3. For transformers and generators over one (1) kilowatt, the fee shall be as follows:
 - (a) For one (1) to ten (10) kilowatts the fee shall be fifteen (\$15.00) ~~ten (\$10.00)~~ dollars;
 - (b) For ten point one (10.1) to fifty (50) kilowatts, the fee shall be fifty (\$50.00) dollars;
 - (c) For fifty point one (50.1) to one hundred twelve point five (112.5) kilowatts, the fee shall be one hundred (\$100.00) dollars;
 - (d) For over one hundred twelve point five (112.5) kilowatts, the fee shall be five hundred (\$500.00) dollars.

For the purposes of computing this fee, typical electric devices sizes are listed below.

Electric dryer	5.0kW
Water heater	4.5kW
Electric range	10kW
Dishwasher	1.2kW
Central air (per ton)	1.4kW
Surface units	5.0kW
Electric baseboard heat (per foot)	0.25kW

4. For electrical service entrance, service panel, sub-panel installations or replacements, the fees shall be as follows:
 - (a) For up to two hundred (200) amps, the fee shall be fifty (\$50.00) dollars;
 - (b) For two hundred one (201) to one thousand (1,000) amps, the fee shall be one hundred twenty-five (\$125.00) dollars;
 - (c) For over one thousand (1,000) amps, the fee shall be five hundred (\$500.00) dollars;
5. For a temporary pole/construction service, the fee shall be one hundred (\$100.00) dollars;
6. For air conditioner units, the fee shall be eighty (\$80.00) ~~forty-five (\$45.00)~~ dollars;
7. For permanently installed private swimming pools, spas, or hot tubs, the fee shall be fifty (\$50.00) ~~forty-five (\$45.00)~~ dollars; exterior lighting, sub-panels exterior outlets, etc. are priced separately;
8. For commercial lights and poles the fees shall be as follows:
 - (a) From one (1) to ten (10) poles, the fee shall be ~~forty-five~~ fifty (\$50.00) ~~(\$45.00)~~ dollars;
 - (b) From eleven (11) to twenty (20) poles, the fee shall be seventy-five (\$75.00) dollars;

- (c) From twenty-one (21) to thirty (30) poles, the fee shall be one hundred twenty- five (\$125.00) dollars;
- (d) For over thirty (30) poles, the fee shall be one hundred fifty (\$150.00) dollars;
- 9. The minimum electrical subcode fee shall be sixty-five (\$65.00) ~~forty-five (\$45.00)~~ dollars.
- c. *Plumbing Subcode Fees.* The plumbing subcode fees shall be as follows:
 - 1. For installation or replacement of plumbing fixtures and devices, such as but not limited to water closets, urinals, bidets, bathtubs, showers, lavatory, sinks, floor drains, dishwashers, drinking fountains, washing machines, hose bibs, water heaters, trap primers, plumbing stacks, garbage disposals and other similar devices, the fee shall be twenty (\$20.00) ~~fifteen (\$15.00)~~ dollars each;
 - 2. For installation or replacement of special fixtures and devices, such as but not limited to grease traps, oil separators, backflow preventers, water-cooled air conditioners, commercial refrigeration units, steam boilers, water boilers, commercial cooking equipment, automatic fuel shut-off devices, gas piping, sewer pumps, fuel oil piping, underground sprinkler systems, the fee shall be eighty (\$80.00) ~~sixty-five (\$65.00)~~ dollars each;
 - 3. For utility service installations and/or connections, including potable water, fire service water, sewer, and gas, the fees shall be one hundred fifty (\$150.00) dollars per connection.
 - 4. For liquefied petroleum gas tank installations, eighty (\$80.00) ~~sixty-five (\$65.00)~~ dollars.
 - 5. The minimum plumbing subcode fee shall be sixty-five (\$65.00) ~~forty-five (\$45.00)~~ dollars.
- d. *Fire Protection Subcode Fees.* The Fire Protection Subcode fees shall be as follows:
 - 1. For installation or replacement of fire protection systems, such as sprinkler systems, smoke or heat or other types of automatic detection systems, manual alarm systems, the fees shall be calculated on the number of individual component devices, as follows:

- (a) From one (1) to twenty (20), the fee shall be sixty-five (\$65.00) dollars;
 - (b) From twenty-one (21) to one hundred (100), the fee shall be one hundred twenty (\$120.00) dollars;
 - (c) From one hundred one (101) to two hundred (200), the fee shall be two hundred twenty-five (\$225.00) dollars;
 - (d) From two hundred one (201) to four hundred (400), the fee shall be six hundred (\$600.00) dollars;
 - (e) From four hundred one (401) to one thousand (1,000), the fee shall be eight hundred (\$800.00) dollars;
 - (f) For over one thousand (1,000), the fee shall be one thousand (\$1,000.00) dollars;
2. For installation or replacement of standpipe systems, the fee shall be two hundred (\$200.00) dollars;
 3. For pre-engineered extinguishing systems, such as but not limited to dry chemical, foam, halon, carbon dioxide, and wet chemical systems, the fee shall be one hundred twenty-five (\$125.00) ~~seventy five (\$75.00)~~ dollars each;
 4. For gas and oil-fired heat producing appliances, such as but not limited to furnaces, boilers, industrial ovens, processing equipment, and other similar devices the fees shall be sixty-five (\$65.00) ~~fifty (\$50.00)~~ dollars each;
 5. For incinerators and crematoriums, the fee shall be three hundred fifty (\$350.00) dollars each;
 6. For solid fueled appliances, such as wood stoves, coal stoves, pre-manufactured fireplaces, the fee shall be sixty-five (\$65.00) ~~fifty (\$50.00)~~ dollars each;
 7. For commercial cooking exhaust systems, the fee shall be one hundred (\$100.00) dollars per system;
 8. The minimum fire protection subcode fee shall be sixty-five (\$65.00) ~~fifty (\$50.00)~~ dollars.
 9. The fee for removing an above ground oil tank shall be
- e. *Elevator Subcode Fees.* The fee for elevators shall be as follows:
1. For each elevator installation or replacement, the plan review fee

shall be two hundred sixty (\$260.00) dollars per car;

2. For each elevator installation or replacement in a one (1) or two (2) family dwelling, the plan review fee shall be fifty (\$50.00) dollars per device;
 3. For required inspections, the fee shall be set forth in N.J.A.C. 5:23-12.6, test and inspection fees.
- f. *Fee for Plan Review.* The fee for plan review shall be twenty (20%) percent of the anticipated total permit fees, and may be required to be paid when the permit application and the plans are filed, and before the plans are reviewed. The amount paid for this fee shall be credited toward the final permit fees, provided that the plan review fee shall not be refundable.
- g. *Estimated Value of Work.* The estimated cost (value) of work for any subcode includes all costs normally associated with the work, such as labor and materials (including those donated) and the contractor's profit. The amounts entered on the permit application forms are subject to review by the Construction Official, who may approve or modify them as he deems necessary.
- h. ~~RESERVED *Special inspections.* Special overtime inspections: a permit holder may request special inspections outside of the normal business \Workday. The fee for these inspections shall be one hundred (\$100.00) dollars for the first hour and twenty five (\$25.00) dollars for each additional hour. When inspection is not continuous with the business workday, the fees shall be one hundred fifty (\$150.00) dollars for the first hour, and fifty (\$50.00) dollars for each additional hour.~~
- i. *Certificates of Occupancy, Compliance, Approval.*
1. For certificates of occupancy, the fees shall be as follows:
 - (a) For one (1) and two (2) family dwelling units, fifty (\$50.00) dollars per unit;
 - (b) For all other use groups, ten (10%) percent of the total construction permit fee, with a minimum certificate fee of one hundred (\$100.00) dollars per certificate.
 2. For a certificate of continued occupancy, the fee shall be three hundred seventy-five (\$375.00) dollars per unit;
 3. For a certificate of compliance for elevators, the fees shall be as set forth in N.J.A.C. 5:23-12.6, Inspections and Tests;

4. ~~For a certificate of approval for equipment or for buildings and structures not subject to occupancy, the fee shall be ten (\$10.00) dollars.~~

4. Temporary Certificates of Occupancy.

No fee shall be charged for the issuance of the first Temporary Certificate. The fee for the first extension of a Temporary Certificate shall be \$125.00. The fee for a second extension shall be \$250.00. The fee for a third extension and any additional extension thereafter shall be \$600.00

- j. (e) A training fee surcharge of ~~\$0.00265 dollars per cubic foot~~, mandated by N.J.A.C. 5:23-4-19 (b) shall be charged for all permits except demolition ~~new buildings and structures, and additions to existing buildings and structures.~~
- k. The fee for reinstatement of a construction permit that has become invalid in accordance with the UCC shall be \$340.00
- l. An additional fee will be charged for all amendments to already released permits with a minimum fee of \$85.00 being assessed.
 - a. The fee for a change of contractor to any subcode shall be \$25.00
- m. No refund will be given after 45 days of issuance of a permit. Prior to the 45 days of issuance, a twenty percent (20%) plan review cost of the permit will be held from the refund, along with any DCA costs
- n. *Private On-Site Inspections and Plan Review Agencies.* Whenever the Township contracts for services of a private, on-site inspection and plan review agency to enforce one or more subcodes, the following shall apply:
 - 1. The **fees** charged for work done by that agency shall be the same **fees** as set by the Department of Community Affairs pursuant to N.J.A.C. 5:23-4.18 and N.J.A.C. 5:23-4.20. The fees shall be available for public inspection at the Construction Office.
 - 2. The **Construction** Office shall add administrative surcharges of twenty-five (25%) ~~fifteen (15%)~~ percent of the relevant subcode **fees** to cover its costs associated with administering the third-party agency.
- o. Fee exemptions.
 - a. Any senior citizen sixty-two (62) years of age or older shall be exempt from having to pay the following Township construction

permit fees:

1. Water heaters
2. Upgrades to any one family residential home for the purposes of meeting a Barrier Free environment (Note: Only the specific work to perform the Barrier Free upgrades are exempt)

p. Penalties. NJAC 5:23-2.31

1. Up to \$ 1,000.00 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000.00 per violation;
2. Up to \$ 1,000.00 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000.00 per violation;
3. Up to \$2,000.00 per violation for failure to comply with a stop construction order;
4. Up to \$2,000.00 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;
5. Up to \$500.00 per violation for any violation not covered under 1. through 4. above.
6. The penalty for refusing entry or access to an inspector lawfully authorized to inspect any premises, building, or structure or who unreasonably interferes with such an inspection shall be \$250.00
7. The penalty for scheduling, and not cancelling, any inspection which is not ready at the time of the scheduled inspection shall be \$85.00
8. In no event shall the penalty for a properly issued violation be less than \$100.00

q. All penalty monies collected shall be collected under penalty provision of the UCC. All penalties collected shall be retained by the Construction

Department and shall be placed in a special trust fund to be applied to the cost to the department for training, technical support programs, conferences, certification, new equipment and transportation. An independent fund shall be set up and retained by the Finance Officer to be the Trustee of this account.

29-1.3 Fire Limits.

The following fire limits are established pursuant to N.J.A.C. 5:23: The fire limits are hereby defined as those zones other than such areas zoned exclusively for one-family and two-family residential use, as designated by the Township Zoning Ordinance, as amended and supplemented. (Ord. No. 20-76; Code§21A-3)

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect December 6th, 2018, following final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, November 7, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, November 28, 2018 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

First Reading and Introduction: November 28, 2019

1st Publication: December 6, 2018

Second Reading and Adoption: December 12, 2108

2nd Publication: December 20, 2018