

ORDINANCE 01-2020

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 67 OF THE BOROUGH CODE ENTITLED "CONSTRUCTION CODE, UNIFORM", SPECIFICALLY SECTION 67-5, "CONSTRUCTION FEES"

WHEREAS, Section 5:23-4:17, Municipal enforcing agency fee, of the New Jersey Uniform Construction Code sets for the regulations for the establishment of municipal enforcing agency fees; and

WHEREAS, said municipal enforcing agency fees, shall be calculated to reasonably cover the municipal costs of enforcing regulations set forth under the New Jersey Uniform Construction Code; and

WHEREAS, the Borough of Mount Arlington Construction Official, with the advice of the Borough of Mount Arlington subcode officials, and in consultation with Borough of Mount Arlington municipal finance officer, has determined that the fees set forth in Section 67-5 of the Code of the Borough of Mount Arlington should be amended and updated to more reasonably cover municipal costs of enforcing the provisions of the New Jersey Uniform Construction Code; and

WHEREAS, the Township of Jefferson and the Borough of Mount Arlington entered into a five (5) year Shared Services Agreement in 2009 for the Township to provide Construction Code and related services to the Borough; and

WHEREAS, said Shared Services Agreement has been subsequently extended for two, five (5) year periods with the current extension expiring on April 30, 2024; and

WHEREAS, Section 5:23-4.17(e) provides that when two or more municipalities enter into an agreement to enforce the regulations set forth in the New Jersey Uniform Construction Code, there shall be one uniform fee scheduled applied to all parties in the agreement; and

WHEREAS, the Section 1. D. of the Shared Services Agreement between the Township of Jefferson and the Borough of Mount Arlington provides that Borough of Mount Arlington shall use standard fee schedules for all shared Construction Code and Building Code inspection services.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, State of New Jersey as follows:

SECTION I

Section 67-5 Fees of Chapter 67 Construction Code, Uniform shall be repealed in its entirety and shall be replaced as follows:

182-2. Fees.

The fee for a construction permit shall be the sum of the subcode fees, administrative fees and miscellaneous fees listed in Subsections A through F 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 construction, including additions, the fee shall be **\$0.43** per cubic foot of building or structure volume, provided that the minimum fee shall be **\$70.00**.

(2)

For open, large volume structures of Use Group F (Factory), S (Storage) and M (Mercantile), the fee shall be computed as follows: **\$0.40** per cubic foot for the first 250,000 cubic feet of volume; **\$0.38** per cubic foot for each cubic foot of volume between 250,001 and 500,000; and **\$0.30** per cubic foot in excess of 500,000 cubic feet.

(3)

For renovations, alterations and repairs, the fee shall be **\$32.00** per \$1,000 of estimated cost of work, provided that the minimum fee shall be **\$70.00**. The fee for renovation, alteration and repairs of projects in excess of \$500,000 shall be computed as follows: **\$30.00** per \$1,000 of estimated cost of work for the first \$500,000 and **\$20.00** per \$1,000 of estimated cost in excess of \$500,001. The minimum fee, if applicable, shall be the sum of the minimum fees charged for new construction and alterations, respectively.

(4)

The fee for the installation of supplemental heating appliances (solid gaseous or liquid fuel) shall be **\$65.00** per appliance and shall include the installation of a chimney, flue or vent. If applicable, the fee for such installation shall be computed in addition to any and all fees for new constructions and alterations.

(5)

The fee for the installation of a masonry fireplace shall be **\$65.00** and, if applicable, shall be computed in addition to any and all fees for new construction or alterations.

(6)

The fee for a demolition permit issued for the removal (closure) of underground and aboveground storage tanks for combustible liquids (heating oil, waste oil, diesel fuel, gasoline, kerosene, etc.) shall be **\$250.00** per tank for all uses other than R-5. The fee for a permit issued for the removal (closure) of an underground or aboveground heating-oil storage tank from a single-family residential property (R-5) shall be **\$100.00 and \$75.00 for an above ground tank**.

(7)

The fees for permits issued for the installation of swimming pools shall be: in-ground pools, **\$200.00**; aboveground pools **\$100.00**, each. For "pop-up" style pools, the fee shall be **\$25.00**. For a hot tub or spa, the fee shall be **\$75.00**. These fees shall be in addition to any electrical and plumbing subcode fees.

(8)

The permit fee to erect temporary and miscellaneous structures for which volume cannot be computed, such as open framed towers and mast, shall be as follows:

[Amended 4-21-1999 by Ord. No. 20-99; 4-10-2002 by Ord. No. 13-02]

(a)

Structure, each (accessory to building of Use Group R-3 and R-5 only): **\$50.00**.

(b)

Structure, each (accessory to any other use group): **\$150.00**.

(c)

Communication tower or mast higher than 60 feet (each): **\$350.00**.

(d)

Antennas: **\$85.00** each.

(9)

The fee for a permit to install fencing exceeding six feet in height shall be \$10 per \$1,000 of the estimated cost of work, provided that the minimum fee shall be **\$60.00**.

(10)

The fee for a permit to demolish a building shall be computed as follows: buildings of Use Group R-5 shall be \$100; miscellaneous and accessory structures incidental to Use Group R-5 and larger than 100 square feet shall be \$50; buildings and structures of all other use groups shall be \$400.

(11)

The fee for a permit to construct a sign shall be **\$3.00** per square foot of the surface area of the sign, provided that the minimum fee shall be **\$60.00**. In the case of a double-faced sign, the area of the surface of only one side of the sign shall be used for the purposes of fee computation.

(12)

The fee for the reinstatement of a lapsed permit under the building subcode shall be based upon the amount of work to be completed and shall be computed as required by § 67-5A(1) and (2).

(13)

The fee for a permit issued for radon mitigation work in existing buildings of Use Group E and R shall be as follows: **\$45.00** for buildings of Use Group R-5; **\$75** for buildings of Use Groups R-1, R-2 and E (day-care facilities only); and **\$125** for all other buildings of Use Group E.

(14)

The fee for a retaining wall associated with a Class 3 residential structure shall be **\$75.00** for a retaining wall with a surface area of 550 square feet or less and **\$150.00** for a retaining wall greater than 550 square feet. The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the estimated cost of construction in accordance with Subsection A(2).

B.

Plumbing subcode fees. For the purpose of computing this fee, fixtures or stacks shall include but not be limited to lavatories, water closets, sinks, urinals, bathtubs, shower stalls, kitchen sinks, laundry tubs, floor drains, drinking fountains, dishwashers, clothes washers and similar devices. The plumbing subcode fees shall be as follows:

(1)

For the filing of an application for new installation or the replacement of an existing fixture or fixtures and the subsequent inspections thereof, a minimum of **\$60.00** shall be charged for the first fixture, trap or stack, except as noted. The fee for all other fixtures or stacks shall be **\$30.00** per fixture, stack or device added to the first \$50.

(2)

The fee shall be **\$75.00** per special device for grease traps, oil separators, water-cooled air-conditioning units, dental units, sewer injectors, water-cooled refrigeration units, backflow preventers and other special devices not included as a fixture.

(3)

A permit to install or replace an electric or gas-fired water heater or water-conditioning unit shall be \$50. If included as a fixture, the fee shall be **\$20.00**.

(4)

The fee for a permit to install steam boilers or hot water boilers for all use groups except R-3 and R-5 shall be \$100. For Use Groups R-3 and R-5, the fee shall be \$50.

(5)

The fee for a permit to install or replace a water or sewer service line shall be **\$60.00**.

(6)

The fee to install a lawn sprinkler system shall be \$50.

(7)

Subsoil drains. For subsoil drains to be installed in accordance with National Standard Plumbing Code (NSPC) 13.1.5, the fee shall be \$50 for all buildings of Use Groups R-3 and R-5 and \$100 for all other use groups.

(8)

For all interceptors (including sand, grease, oil and flammable liquid interceptors) to be installed in accordance with NSPC (Chapter 6), the fee shall be **\$75.00** per system.

(9)

The fee for the inspection of the disconnection, pumping, filling (or removal) of an individual sewage disposal system (NSPC 16.1.7) shall be **\$60.00**.

(10)

The fee for the reinstatement of a lapsed permit under the plumbing subcode shall be 25% of our present fees, calculated from the number of fixtures to be installed, provided that the minimum fee shall be **\$60.00**.

(11)

The fee for a permit to install gas piping to serve gas-fired mechanical equipment or fixtures shall be **\$100.00** for all use groups except R-3 and **R-5**. The fee for a permit to install similar gas piping shall be \$50 for Use Groups R-3 and R-4.

(12)

The fee for a permit to install fuel-oil piping and storage systems shall be **\$60.00** per tank for all use groups except R-3 and R-4. The fee shall be **\$60.00** for Use Groups R-3 and **R-5**.

(13)

The fee for the required periodic reinspection of backflow preventers as required by N.J.A.C. 5:23-2.23(i) and the plumbing subcode shall be **\$150.00**.

(14)

The fee for a permit to install a LPG tank shall be **\$75.00** per tank.

C.

Electrical subcode fees. The fee for electrical subcode requirements shall be the sum of the fees listed below. The minimum fee for electrical inspections shall be **\$60.00**.

(1)

Electrical fixtures and devices:

(a)

From one to 50 receptacles, fixtures or switches: **\$60.00**.

(b)

Each additional 25 receptacles, fixtures or switches: **\$25.00**.

(c)

For the purpose of computing this fee, receptacles, fixtures or switches shall include lighting outlets, fluorescent fixtures, burglar alarm detectors, telephone outlets, smoke detectors, receptacles, intercom devices, heat detectors, thermostats and similar devices or motors of one horsepower or one kilowatt or less.

(d)

The fee for the replacement of an electric water heater, boiler, or furnace shall be **\$40.00**.

(e)

The fee to install a rain sensor for a lawn sprinkler system shall be **\$40.00**.

(2)

Motors:

(a)

One horsepower to 10 horsepower: **\$50.00.**

(b)

Ten and one-tenth horsepower to 50 horsepower: **\$65.00.**

(c)

Fifty and one-tenth horsepower to 100 horsepower: **\$125.00.**

(d)

One hundred and one-tenth horsepower and larger: **\$625.00.**

(3)

Electrical devices:

(a)

One kilowatt to 10 kilowatts: **\$50.00.**

(b)

Ten and one-tenth kilowatt to 50 kilowatts: **\$65.00.**

(c)

Fifty and one-tenth kilowatts to 100 kilowatts: **\$125.00.**

(d)

One hundred and one-tenth kilowatts and larger: **\$625.00.**

(4)

Transformers or generators:

(a)

One kilowatt to 10 kilowatts: **\$50.00.**

(b)

Ten and one-tenth kilowatts to 50 kilowatts: **\$65.00.**

(c)

Fifty and one-tenth kilowatts to 112.5 kilowatts: **\$125.00.**

(d)

Larger than 112.5 kilowatts: **\$625.00.**

(5)

Service equipment, including meter pan, service panel and service entrance:

(a)

Zero to 200 amperes: **\$65.00.**

(b)
Two hundred and one-tenth to 300 amperes: **\$125.00.**

(c)
Three hundred and one-tenth amperes or larger: **\$625.00.**

(6)
For electrical work requiring replacement of service entrance conductors or feeder conductors only, the fee shall be based on the designated ampere rating of the overcurrent device of the service or feeder as follows:

(a)
225 amperes or less, the fee shall be \$65.00

(b)
226 to 1,000 amperes, the fee shall be \$129.00

(c)
Greater than 1,000 amperes, the fee shall be \$640.00

(7)
Construction pole service:

(a)
Service: **\$65.00.**

(b)
One receptacle: **\$65.00.**

(c)
Total pole service: **\$125.00.**

(8)
Air conditioners: Apply motor schedule.

(9)
Pools:

(a)
In-ground pools (private): **\$85.00.**

(b)
In-ground pools (public): **\$200.00.**

(c)
Aboveground pools: **\$60.00.**

(d)
Reinspection of public swimming pools: **\$55.00.**

(10)

No fee shall be charged for a permit to install or replace furnaces, water heaters or exhaust fan motors for corrective work under the Radon Hazard Subcode and related wiring and controls for such appliances in existing buildings of Use Groups R-3 and R-5.

(11)

The fee for the reinstatement of a lapsed permit under the electrical subcode shall be 25% of the original fee calculated, provided that the minimum fee shall be \$60.00.

(12)

For photovoltaic systems, the fee shall be based upon the kilowatt rating of the system as follows:

(a)

One to 50 kilowatts, the fee shall be \$65.00

(b)

Fifty-one to 100 kilowatts, the fee shall be \$129.00

(c)

Greater than 100 kilowatts, the fee shall be \$640.00

D.

Fire protection subcode fees. For the purpose of computing fees relating to the enforcement of the requirements incorporated in the subcode, fixtures shall include but shall not be limited to sprinklers, special suppression systems, smoke detectors and alarms and miscellaneous devices. The fee for permits requiring on-site inspections by the Fire Protection Subcode official shall be as follows:

(1)

The fees for permits requiring on-site inspections by the Fire Protection Subcode official shall be calculated as follows: The charge for general fire protection permits for buildings of Use Groups R-3 and R-5 and for each dwelling unit of Use Group R-2 shall be \$100 for a new construction and \$50 for existing structures. The charge for a general fire protection permit involving a nonresidential use and, in the case of subdivided building and structures, for each area or tenant space entitled to receive a certificate of occupancy or certificate of approval, shall be \$150. The fees indicated above shall include the installation of smoke and carbon monoxide detectors/alarms, exit signs and lights, means of egress lighting. Equipment and appliances incidental to the particular use, except supplemental heating appliances and sprinklers, shall be charged in addition to the special fees indicated in Subsection D(2), (3), (4), (5), (6), (7) and (8).

(2)

Automatic sprinkler systems.

(a)

The fee for a permit to install automatic sprinkler systems in buildings or structures of all groups except in buildings of Groups R-3, R-5 and R-2 shall be computed as follows:

Number of Heads	Fee
20 or fewer	\$90.00
21 to and including 100	\$170.00
101 to and including 200	\$325.00
201 to and including 500	\$800.00
501 to and including 1,000	\$1,125.00
Over 1,000 heads	\$1,500.00

(b)

The fee for a permit to install automatic sprinkler systems in buildings of Groups R-3 and R-5 and in buildings of Group R-2 four stories or less in height shall be \$75 per dwelling unit.

(3)

The fee for a permit to install an automatic suppression system for commercial cooking surfaces, kitchen exhausts, grease removal devices and hoods shall be **\$150.00** each.

(4)

The fee for a permit to install fire alarm systems shall be as follows:

(a)

Manual systems shall be **\$100.00**.

(b)

Automatic systems shall be **\$200.00**.

(5)

The fee for a permit to install standpipes shall be as follows:

(a)

Up to four inches in diameter shall be \$100.

(b)

Larger than four inches in diameter shall be \$200 each.

(6)

The fee for a permit to install underground (UST) and aboveground (AST) storage tanks for combustible and flammable liquids, including the tanks and piping, shall be as follows:

(a)

Each aboveground combustible liquid storage tank 660 gallons in capacity or smaller and each underground combustible liquid storage tank 2,000 gallons in capacity or smaller shall be \$75.

(b)

Each aboveground combustible liquid storage tank larger than 660 gallons in capacity and each underground combustible liquid storage tank larger than 2,000 gallons in capacity shall be \$150.

(c)

The permit to install a tank (AST, UST) for flammable liquid storage serving a use other than a public garage or fuel service station shall be \$300.

(d)

The fee for a permit to install tanks for motor fuel, kerosene, fuel wastes and/or heating oil, fuel-dispensing equipment and piping in connection with the new construction, renovation/alteration of a public garage (service station) facility or site of Use Group S-1 shall be as follows:

[1]

Fifty thousand gallons or less aggregate fuel storage capacity: \$1,250.

[2]

Fifty thousand one gallons or more aggregate fuel capacity: \$2,000.

[3]

Add for each fuel-dispensing station (pump): \$100.

(7)

The fee for a permit to install supplemental heating appliances (wood- or coal-burning stoves, fireplaces, etc.) shall be **\$65.00** per appliance and shall include the installation of a chimney, flue or vent. If applicable, the fee for such installation shall be computed in addition to any and all fees for new construction or alterations.

(8)

The fee for the reinstatement of a lapsed permit under the fire protection subcode shall be 25% of our present fees, calculated from the number of fixtures to be installed, provided that the minimum fee shall be \$45.

E.

Administrative and miscellaneous fees.

(1)

The fee for plan review shall be 20% of the amount to be charged for the construction permit. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

(2)

The fee for each construction permit issued for an asbestos hazard abatement project shall be \$75.

(3)

The charge for certification letters or letters of determination shall be \$10.

(4)

The charge for processing of refunds of construction fees shall be \$10.

(5)

The fee for a certificate of occupancy or a certificate of continued occupancy issued for any building or portion thereof in Use Group R-5 shall be **\$65.00**. The fee for all other use groups shall be **\$100.00**.

(6)

The fee for a certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be **\$50.00**.

(7)

The fee to process an application for a variance pursuant to N.J.A.C. 5:23-2.10 shall be \$50.

(8)

In the event that a private on-site inspection and plan review agency is designated to carry out the enforcement of one or more of the subcodes in the municipality, for the purpose of computing fees, the provisions of N.J.A.C. 5:23-4.18 (j) shall apply. Further, the municipality shall be entitled to an administrative surcharge of 15% of the relevant subcode(s) permit fee(s).

(9)

All fees computed in this schedule under the provisions of Subsections A, B, C, D, E and F, including state training fees, shall be rounded to the nearest dollar amount.

(10)

The fee for a certificate of continued occupancy as outlined in N.J.A.C. 5:23-2.23(e) shall be \$200.

(11)

The fee for the first issuance and the renewal of a temporary certificate of occupancy shall be **\$30.00**. Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy, provided the certificate of occupancy fee is paid at that time.

(12)

For cross connections and backflow preventers that are subject to testing and required reinspections, the fee shall be \$100 per device.

F.

The fee for mechanical permits of Use Group R-3 or R-5 shall be **\$70.00** for the first device and **\$30.00** for each additional device with the following exceptions:

(1)

Each aboveground storage tank for combustible liquids shall be **\$75.00**; and

(2)

Each underground storage tank for combustible liquids shall be **\$100.00**.

G.

Waiver of construction permit surcharge and enforcing agent fees for construction to promote accessibility by disabled persons to existing structures or facilities. A disabled person, as defined in N.J.S.A. 52:27D-126e, or a parent or sibling of a disabled person shall not be charged any construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and

undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein, including the disabled person's own living unit or the living units of any parent or sibling where the permit is for the aforementioned purposes.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, chapter, subchapter, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, chapter, subchapter, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on February 4, 2020 and will be further considered after a Public Hearing held on March 3, 2020 at the Municipal Building at 7:00 P.M.

ATTEST:

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



L. Dwyer, Acting Borough Clerk



Michael Stanzilis, Mayor