

ORDINANCE NO. 24-05-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XI, ENTITLED "BUILDING AND HOUSING" SO AS TO AMEND SECTION 11-1.3, ENTITLED "FEES"

January 22, 2024

SECTION 1. Chapter 11 of the Township Code of the Township of Berkeley, entitled "Building and Housing," is hereby amended and supplemented so as to amend §11-1.3, entitled "Fees", which shall now read as follows:

§11-1.3 Sales Restricted to Owners of Premises

§ 11-1.3. Fees.

a. Building Subcode Fees:

1. New Construction: Fees for new construction shall be based upon the volume of the structure except for premanufactured construction. Premanufactured construction fees shall be based on the cost of work unit rate per \$1,000 of site construction associated with installation of the premanufactured unit, as per N.J.A.C. 5:23-4.18(c)ii. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. Use groups and type construction are classified and defined in article 3 and 4 of the building subcode.

(a) New construction:

(1) Use groups R-1, R-2, R-3, R-4, R-5 and U per cubic foot of volume: **.040**

Minimum fee: \$75. Commercial: \$100

(2) All other use groups per cubic foot of volume: **.040**

Minimum fee: **\$75**

(3) Structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d) per cubic foot of volume: **\$0.019**

Maximum fee: \$1,443

(b) Premanufactured construction:

(1) All use groups per \$1,000 of site construction associated with installation of the premanufactured unit: **\$40**

2. Renovations, Alterations and Repairs: Fees based on estimated cost of work. To determine estimated cost, the applicant shall submit to the Construction Official such cost data as may be available, produced by the architect, engineer of record, recognized estimating firm or contractor, a bona fide contractor's bid if available shall be submitted. The Construction Official shall make the final decision regarding the estimated cost.

The fee shall be in the amount of \$40 per \$1,000 of cost to \$50,000. From \$50,001 to and including \$100,000, the additional fee shall be in the amount of \$23 per \$1,000 of estimated cost above \$50,000. Above \$100,000, the additional fee shall be in the amount of \$19 per \$1,000 of estimated cost above \$100,000.

3. Additions: Fees shall be computed on the same basis as for new construction for the added portion.
4. Combination renovations and additions: Fees shall be computed separately in accordance with Subsections 1 and 2 above.
5. Bulkheads, docks, piers, wharves and decks shall be computed as alterations.
6. All structures for which volume cannot be computed shall be computed as alterations.
7. Sign permits: Fees for pylon signs shall be computed in the amount of \$5 per square foot for the first 100 square feet, \$3.75 per square foot for the next 400 square feet and \$2.50 per square foot thereafter. Fees for ground signs or wall signs shall be \$2.50 per square foot for the first 100 square feet, \$1.90 per square foot for the next 400 square feet and \$1.25 per square foot thereafter.

Minimum fee \$75

8. Pools:

- a. Aboveground: For a pool with a surface area greater than 550 square feet: \$140. The fee in all other cases shall be: \$75.
- b. In ground: For a pool with a surface area greater than 550 square feet: \$200. The fee in all other cases shall be: \$150.
- c. Commercial: \$300.

9. Solid fuel burning appliances:

- (a) Pre-fab fireplace: \$46.
- (b) Wood/coal stoves: \$46.
- (c) Masonry fireplace: \$30 per \$1,000 of estimated cost of complete fireplace.

10. Tents: Over 900 square feet or more than 30 feet in any dimension \$116

11. Asbestos Abatement: Fees for asbestos abatement shall be as established by N.J.A.C. 5:23-8.10.

- (a) Fees shall be based on \$34 per \$1,000 of estimated cost of work.
- (b) Minimum fee: \$80.
- (c) Certificate of occupancy: \$50.

12. Lead Hazard Abatement:

- (a) Fee as established by N.J.A.C. 5:23-4.18 \$176.
- (b) Lead Abatement Clearance Certificate \$35.

13. Temporary Construction Trailer for:
Office Use Only: \$150

Certificate: \$50.

14. Roofing and Siding on Structures in Use Group R-3, R-4 and R-5.
Minimum fee: \$75

All roofs, built up asphalt, rubberized, etc. for Use Group B, E, F, H, M and S, shall be calculated using renovation, alteration and repair fees

b. Plumbing Subcode Fees:

1. Fixtures and Appliances.
Fees per fixture or appliance except as listed in Subsection 2 below.
Per device: \$20
2. Special Devices: Grease or oil separators, air-conditioning units, refrigeration units, steam or hot water boilers, active solar systems, backflow preventers, sewer pumps, interceptors and fuel oil piping.
Per device: \$75
3. Gas Piping:
 - (a) Residential: \$75.
 - (b) All others: \$100.
4. Backflow Preventers:
Installed as a domestic water service or heating system.
Per device: \$20
5. Sewer Service Connections:
 - (a) Residential: \$75
 - (b) All others: \$100.
6. Water Service Connections:
 - (a) Residential: \$75.
 - (b) All others: \$100.
7. Premanufactured Construction:
In accordance with N.J.A.C. 5:23-4.18(c)1.i. –
Fees shall be computed on a Unit Rate of \$75 per \$1,000 of estimated cost of work.
8. Propane Tank Installation - Residential:
 - (a) 0 to 500 gallons: \$50.
 - (b) 501 to 1,000 gallons: \$75.
 - (c) Over 1,000 gallons: \$85.
 - (d) All other use groups: \$100.
9. Minimum Permit Fee: \$75
10. Mechanical Sub-Code Flat Fee as per NJDCA Regulations: \$ \$95.

c. Fire Subcode Fees:

Residential: \$75 Commercial: \$100.

1. Sprinklers:
 - (a) 1 to 20 heads: \$100.
 - (b) 21 to 100: \$165.
 - (c) 101 to 200: heads: \$289.
 - (d) 201 to 400 heads: \$748.
 - (e) 401 to 1,000 heads: \$1,036.
 - (f) Over 1,000 heads: \$1,323.

2. Smoke and Carbon Monoxide Detectors:

The fee for one to 12 detectors shall be \$58; for each 25 detectors in addition to this, the fee shall be in the amount of \$15. Alarm devices (pull stations); supervisory devices i.e., (tampers low/high; signaling devices i.e., horn/strobes, bells) duct detectors, other alarm devices same as above.

3. Stand Pipes:

Each per riser: \$229.
Fire pumps up to 249 gpm: \$125.

- (a) 250 to 500 \$289.
- (b) 501 to 1,000 \$460.
- (c) 1,001 to 2,000 \$748.
- (d) Greater than 2,000 \$1,003.

Fire Department connection: \$229.

4. Independent Pre-engineered Systems:

Each: \$116.
Rooftop HVAC units each: \$58.

5. Gas and oil fired appliances not connected to potable water systems. Each: \$58.
6. Kitchen exhaust system (commercial). Each: \$58.
7. Incinerators. Each: \$460.
8. Crematoriums.
Each: \$460.
Incinerator: \$460.
9. Fuel Storage Tank Installation:
 - (a) Residential Use Group R3 & R5: \$100.
 - (b) All Other Use Groups: \$151.
10. Fuel Storage Tank Abandonment or Removal:
 - (a) Residential Use Group R3 & R5: \$125.
 - (b) All Other Use Groups: \$151.

11. Fuel Dispensing Units each: \$116.
 - (a) Leak detection system: \$100.
12. Spray Booth and Dipping Operations: \$116.
13. Premanufactured construction: Fees shall be computed in accordance with N.J.A.C. 5:23-2.28 on a work unit cost rate per \$1,000. This rate shall be \$75 per \$1,000.

Minimum fee \$75.
14. Chimney and Flues: \$58.
15. Fireplace/Woodburning Stove: \$58.
16. Pre Action Valve: \$116.
17. Dry pipe wet alarm valve: \$116.

d. Electrical Subcode Fees:

Minimum fee: \$75

1. Electrical fixtures and devices, including but not limited to lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, smoke and/or carbon monoxide detectors, voice and data and similar fixtures or devices and motors or devices less than one horsepower or one kilowatt and are not limited elsewhere in this schedule and connected to nominal 240/120 vac 20 amp or less branch circuits. The fee shall be:
 - (a) 1 to 25 fixtures or devices for lighting and ceiling fans, solar panels, micro inverters and bathroom exhaust fans only: \$50.
 - (b) For each additional increment of 25 fixtures or devices or solar panels or micro inverters: \$35.
 - (c) For each dedicated 20 amp 120v circuit: \$15.
 - (d) Circulator pumps and blower motors that are a part of a furnace and are rated at less than one horsepower: \$15.
 - (e) Utility load management device (power plus saver): \$58.
 - (f) Time of day relay switch for electrical water heaters: \$22.
2. Special electrical fixtures and devices for, but not limited to, electric heating, cooking, service conductors, feeders, switches, switchboards, panel boards, motors, control equipment generators, transformers, smoke detectors, air conditioners, cooling equipment, lighting standards, swimming pools, hot tubs, hydro massage tubs, spas, steam baths and similar fixtures or devices.

The fees shall be:

- (a) Residential steam rooms, sauna, indoor installation of hot tubs and similar devices: \$58.
- (b) Indoor installation of hydro massage (no heating unit): \$25.
- (c) Aboveground swimming pool and installation of hot tubs with 120 v service: \$125.
- (d) In-ground swimming pool and installation of hot tubs with 240 v service: \$150.
- (e) Motor or electrical devices each:
 - Greater than 1 hp to 10 hp: \$15.
 - Greater than 10 hp to 50 hp: \$58.
 - Greater than 50 hp to 100 hp: \$116.
 - Greater than 100 hp: \$576.
- (f) Furnace replacement/heat conversions: \$58.
- (g) Central air conditioning for existing dwellings (not new construction): \$58.
- (h) Commercial cooking hood systems with make-up air: \$58.
- (i) Transformers and generators and inverters each:
 - Greater than 1 kW to 10 kW: \$15.
 - Greater than 10 kW to 45 kW: \$58.
 - Greater than 45 kW to 112.5 kW: \$116.
 - Greater than 112.5 kW: \$576.
- (j) Annual pool inspection: \$100.
- (k) Pool bonding inspection: \$75.
- (l) Service meter equipment, PV meters, sub-panel and feeders and sub-feeders.
 - 1 to 200 amp: \$58.
 - 225 to 1,000 amp: \$116.
 - Greater than 1,000 amp: \$576.
- (m) Service feeders and branch circuits, trenches:
 - Each trench for first 1,000 feet: \$58.
 - Each additional 1,000 feet or part thereof: \$10.
- (n) Electrical signs: each \$58.
- (o) Electrical discharge lighting system up to 3,000 watts: \$58.
- (p) Each additional 1,000 watts: \$10.
- (p) Protective signaling system: This includes, but is not limited to, fire alarms, burglar alarms, nurse call systems, video systems, communications, intercom systems, outlets, and other monitoring systems. The fee shall be:
 - 1 to 50 devices: \$58.
 - Each additional 25 devices: \$35.

3. Premanufactured Construction: All use groups per \$1,000 of site construction associated with installation of premanufactured unit: \$75.

e. **Fees Applicable to Paragraphs a through d above:**

1. Plan review fee shall constitute 20% of the total construction permit fee.

- (a) Additional plan review required due to changes of plans or new plans being submitted will be 20% of the assessed construction permit fee.
- 2. Basic Construction Fee: The sum of the parts computed on the basis of the volume on cost of construction. The number of plumbing fixtures and equipment, the number of electrical fixtures and equipment, and the number of sprinklers, stand pipes, and detectors at the rates provided herein, plus any special fees.
- 3. Certificates and Other Permits:
 - (a) Demolition or removal permit:
 - (1) Structures less than 5,000 square feet in area and less than 35 feet in height (use groups R-3, R-4 and R-5), and for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d) \$100.
 - (2) All other use groups: \$200.
 - (b) Certificate of occupancy:
 - (1) One- and two-family structures (use groups R-3, R-4 and R-5 of the building subcode) less than 5,000 square feet in area and less than 35 feet in height, and structures on farms, including commercial farm buildings subject to N.J.A.C. 5:23-3.2(d): \$50.
 - (2) All Other Use Groups. 10% of the new construction permit fee which would be charged pursuant to these regulations.
 - (c) Minimum fee: \$75.
 - (d) Certificate of occupancy granted pursuant to a change of use group: \$145.
 - (1) Building: \$55.
 - (2) Plumbing: \$30.
 - (3) Fire: \$30.
 - (4) Electrical: \$30.
 - (e) Certificate of continued occupancy: \$120.
 - (1) Building: \$45.
 - (2) Plumbing: \$25.
 - (3) Fire: \$25.
 - (4) Electrical: \$25.
 - (f) Temporary certificate of occupancy: No fee.
 - (g) Certificate of approval: No fee (certifying that work done under a construction permit has been satisfactorily completed).
 - (h) Annual permits:
 - (1) Construction permits: Flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers,

engineers and clerical shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee.

(2) Annual permits may be issued for building, fire protections, electrical and plumbing.

(h) Reinstatement of lapsed permit:

(1) Building: \$58.

(2) Plumbing: \$58.

(3) Fire: \$58.

(4) Electric: \$58.

(i) Variation application: The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$450 for Class I structures, \$300 for Class II structures and \$150 for Class III structures. The fee for resubmission of an application for a variation shall be \$229 for Class I structures, and \$65 for Class II and Class III structures.

f. Waiver of Fees for Construction to Permit Accessibility by Handicapped Persons to Existing Structures or Facilities. Pursuant to the provisions of N.J.S.A. 52:27D-126e, as it may be amended, no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by the handicapped to an existing public or private structure or any of the facilities contained therein.

For the purposes of this section, "handicapped person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this State who is disabled pursuant to the Federal Social Security Act (42 U.S.C. § 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.), or is rated as having 60% disability or higher pursuant to any Federal law administered by the United States Veterans' Act. For the purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

g. Pursuant to N.J.S.A. 52:27D-126d, the Township will waive enforcing agency fees for nonprofit corporations rehabilitating or constructing housing units upon the provision of sufficient proof by the requestor.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.



JOHN A BACCHIONE Mayor



KEITH BUSCIO, Council President
Angelo Guadagno, Council Vice Pres.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on January 22, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 26th day of February, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



KAREN STALLING, RMC
Township Clerk, Township of Berkeley