

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE No. 763-2017

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 ENTITLED “BUILDING AND CONSTRUCTION” OF THE CODE OF THE BOROUGH OF AVALON, 2013, SECTION 20-2 “CONSTRUCTION PERMIT FEE” AND AMENDING ORDINANCE NOS. 563-2006, 608-2009, AND 655-2012

WHEREAS, the amount charged for construction, demolition, moving of building, elevator and sign permits must be so calculated to meet the level of expenses necessary to satisfy the local enforcement agency’s annual operation costs pursuant to N.J.S.A. 52:27D-126a and the Regulations promulgated by the Commissioner of the New Jersey Department of Community Affairs (DCA), specifically N.J.A.C. 5:23-4.17 AND 4.18; and

WHEREAS, every New Jersey municipality is required to periodically review the permit fees established by Ordinance and to adjust those fees when necessary to conform to the requirements of the Revised Statutes of New Jersey and the Rules and Regulations promulgated by the New Jersey DCA as well as the New Jersey Division of Local Government Services; and

WHEREAS, permit fees in the Borough of Avalon were last adjusted in 2006 pursuant to Ordinance 563-2006 and as a result of a current review by the Division of Construction Code certain recommendations for changes to the fee schedule have been recommended which Borough Council has duly considered and Borough Council has determined to implement those recommendations as hereafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL of the Borough of Avalon, in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 20 of the Code of the Borough of Avalon, 2013 entitled “Building and Construction” Section 20-2 entitled “Construction Permit Fee” is hereby amended, supplemented and restated and shall hereafter provide as follows:

Editor Note: All fees specified herein shall take effect on November 1, 2017.

20-2 CONSTRUCTION PERMIT FEE.

20-2.1 Subcode Fees.

The fee for a Construction Permit shall be the sum of the subcode fees listed in each of the subcode sections set forth below and shall be paid before the permit is issued. (2000 Code § 20:2-1; Ord. No. 563-2006)

- a. *Building Subcode Fees.* The Building Subcode fees shall be:
 1. For new construction, including additions, \$.038 per cubic foot of building or structure volume.
 2. For renovations, alterations and repairs, the fee shall be:

Thirty-four (\$34.00) dollars for the first fifty thousand (\$50,000.00) dollars plus an additional fee of: Twenty-six (\$26.00) dollars per thousand for \$50,001.00 to \$100,000.00; and

Twenty-two (\$22.00) dollars per thousand for \$100,000.00 and above.
- b. *Sign Fees.*
 1. For signs, fees shall be five (\$5.00) dollars per square foot and shall be charged for one side of a double faced sign, provided that there no fee shall be charged for any sign less than twenty five (25) square feet.
- c. *Above Ground Pool Fee.*
 1. The fee for an above ground pool shall be one hundred and forty (\$140.00) dollars.

d. *Inground Pool Fee.*

1. The fee for an inground pool shall be two hundred and ten (\$210.00) dollars.

e. *Plan Review Fees.* The Plan Review Fee shall be twenty (20%) percent of the total fees for all subcodes.

The minimum Building Subcode fee shall be fifty (\$50.00) dollars.

f. *Plumbing Subcode Fees.* The Plumbing Subcode fees shall be:

Water Closet	\$15.00
Urinal/Bidet	\$15.00
Bathtub	\$15.00
Lavatory	\$15.00
Stacks	\$15.00
Shower	\$15.00
Floor drain	\$15.00
Sink	\$15.00
Dishwasher	\$15.00
Drinking fountain	\$15.00
Washing machine	\$15.00
Hose bib	\$15.00
Water heater	\$15.00
Fuel oil piping	\$15.00
Steam boiler	\$91.00
Hot water boiler	\$91.00
Sewer pump	\$91.00
Interceptor/Separator	\$91.00
Backflow preventer	\$91.00
Grease trap	\$91.00
Sewer connection	\$91.00
Water service connection	\$91.00
Condenser Water cooled air conditioning	\$15.00
Gas piping	\$15.00

The minimum Plumbing Subcode fee shall be fifty (\$50.00) dollars.

g. *Electrical Subcode Fees.* The Electrical Subcode fees shall be:

1. Wiring. Fees for fixtures and receptacles shall include lighting outlets, wall switches, convenience receptacles, motors or devices less than one (1) horsepower shall be fifty (\$50.00) dollars for the first fifty (50) and an additional ten (\$10.00) dollars for each additional twenty-five (25) or any portion thereof. [Rev 7/24/2017].
2. Pool with U/lights. Fee for pools with u/lights shall be one hundred (\$100.00) dollars.
3. Storage Pool/Spa/Hot Tub. The fee for storable pool/spa/hot tub with u/lights shall be seventy-seven (\$77.00) dollars.
4. Annual Pool and Spa Inspection. The fee for annual pool/spa/hot tub inspections shall be seventy-seven (\$77.00) dollars.

5. Motors and Electrical Devices. Fees for motors and electrical devices shall be:

1 hp up to 10 hp	\$15.00
Up to 45 hp	\$65.00
Up to 112.5 hp	\$129.00
Larger than above	\$640.00

6. Transformers and Generators. Fees for transformers and generators shall be:

Over 1 kw up to 10 kw	\$15.00
Up to 45 kw	\$65.00
Up to 112.5 kw	\$129.00
Larger than above	\$640.00

7. Meter Service Feeders Equipment. Fees for service panels, entrances and subpanels shall be:

Up to 200 amps	\$ 65.00
Up to 1000 amps	\$ 129.00
Larger than above	\$ 640.00

The minimum Electrical Subcode fee shall be fifty (\$50.00) dollars.

h. *Fire Subcode Fees.* The Fire Subcode Fees are as follows:

1. Flammable/Combustible Tanks	\$ 100.00
2. Smoke and CO alarms/ (110 volt household alarms):	
Up to 12 alarm heads	\$ 100.00
Each additional device	\$ 5.00
3. Alarm System Supervisory/Signaling	
Alarm panel and first 24 devices	\$ 100.00
Each additional device over 24	\$ 5.00
4. Wet and Dry Sprinkler Systems	
1 to 20	\$ 100.00
21 to 100	\$ 168.00
101 to 200	\$ 321.00
201 to 400	\$ 831.00
401 to 1,000	\$1,150.00
Over 1,000	\$1,469.00
Fire Pump	\$ 65.00
5. Wet or Dry Standpipes (each) up to 4 stories	\$ 321.00
Standpipes each additional story over 4 th per standpipe	\$ 65.00
6. Pre-Engineered Systems:	
Dry chemical	\$ 150.00
CO2 suppression	\$ 150.00
Foam suppression	\$ 150.00
FM200 suppression	\$ 150.00
Other Pre-Engineered suppression	\$ 150.00
7. Kitchen Hood Exhaust System	\$ 65.00
8. Fuel Fired Appliances	\$ 65.00
9. Smoke Control System	\$ 100.00
10. Fireplace Venting/Metal Chimney	\$ 100.00

The minimum Fire Subcode fee shall be fifty (\$50.00) dollars.

i. *Elevator Subcode Fees.* Elevators, escalators, moving walks and dumbwaiters, the fee shall be the same as the State of New Jersey, Department of Community Affairs. See N.J.A.C. 5:23-12; 5:23-4.20.

j. [NEW] *Mechanical Inspection Fees.* The fee for a mechanical inspection in a structure of Group R-3 or R-5 by a mechanical inspector shall be sixty (\$60.00) dollars for the first device and fifteen (\$15.00) dollars for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected. [N.J.A.C. 5:23-4.20 (9)] In accordance with N.J.A.C. 5:23-2.14, with the exception of approved connectors, construction permits are required for alterations or additions to gas, fuel oil, water, or drainage piping required beyond simple reconnection in order to accommodate the replacement mechanical equipment.

K. *Certificates and Other Miscellaneous Permits.*

1. Demolition Permits shall be three hundred (\$300.00) dollars. For structures larger than 5,000 square feet and/or 30 feet or more in height, the fee shall be three hundred fifty (\$350.00) dollars.

2. Asbestos permits shall be seventy (\$70.00) dollars up to 5,000 square feet and two hundred (\$200.00) dollars for more than 5,000 square feet.
3. Certificate of Occupancy fees shall be:
 - (a) Certificate of occupancy shall be ten (10%) percent of the total cost of the permit.
 - (b) Certificate of Occupancy for a change of use group shall be one hundred and sixty-eight (\$168.00) dollars.
 - (c) Certificate of Occupancy for a continued occupancy shall be one hundred and sixty-eight (\$168.00) dollars.
 - (d) The Certificate of Occupancy for asbestos shall be fourteen (\$14.00) dollars.
 - (e) The minimum Certificate of Occupancy fee shall be twenty-five (\$25.00) dollars.
 - (f) Fees for a variation in accordance with N.J.A.C. 5:23-10 shall be one hundred and sixty-eight (\$168.00) dollars.
 - (g) DCA Training Fees. Surcharge fee for Construction. In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations promulgated thereunder, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee to be set by the Department of Community Affairs in accordance with N.J.A.C. 5:23-4.19.

L. *Reserved.*

m. *Zoning Fees.* The Zoning fee shall be fifty (\$50.00) dollars for minor work; three hundred (\$300.00) dollars for additions, alternations and pools and five hundred (\$500.00) dollars for new single family homes, duplexes and all commercial developments. For purposes of this subsection, "minor work" shall mean construction work of a single trade only undertaken in existing structures requiring no prior approvals and no plan review, and shall not alter, in any way, the structural members of a building (N.J.A.C. 5:23-1.4).

n. *Moving/Relocation of Buildings; Time Restrictions; Fee.* The Moving/ Relocation fee of a building from one lot to another within the Borough or through the Borough shall be three hundred (\$300.00) dollars. To move a building to a new location on the same lot the fee shall be fifty (\$50.00) dollars. To move a building from the Borough out of town and/or to move a building through the Borough the fee shall be three hundred (\$300.00) dollars, plus a transportation bond of five thousand (\$5000.00) dollars which must be posted to the Borough prior to the movement of the building. No house or building moving permit shall be issued during the period between and inclusive of May 15 and September 15 within any year. The provisions of this subsection do not apply to "manufactured housing" or "modular homes" Such terms shall mean pre-manufactured housing which is delivered in two (2) or more component parts or modules and designed to be transported to the construction site by truck and assembled on the construction site and affixed permanently to a permanent foundation. A permit for moving any building as detailed herein above shall be obtained from the Construction Official. Any construction covered by this section shall also be subject to the provisions of subsection 7-1.5i.

o. *Bulkheads.* The fee for installation, construction and repair of bulkheads shall be seven (\$7.00) dollars for each foot or fraction thereof. The minimum fee shall be one hundred (\$100.00) dollars.

p. *Curbs, Sidewalks and Driveways.* The fee for repair, installation and construction of curbing, driveways and sidewalks shall be thirty-five (\$35.00) dollars plus reimbursement to the Borough Engineer for placement of curb stakes and field work. (See also Chapter 15, Streets and Sidewalks)

q. *Tanks.* The fee for a tank on a roof or in a tower shall be two (\$2.00) dollars for the first one thousand (1,000) gallons of capacity and fifty (\$.50) cents for each additional one thousand (1,000) gallons of capacity or fraction thereof.
(2000 Code § 20:2; Ord. No. 563-2006; Ord. No. 608-2009; Ord. No. 655-2012)

20-2.2 Annual Report to Bureau of Housing Inspection.

The enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, such report shall be for the third and fourth quarters only. (2000 Code § 20:2-19)

20-3 RESERVED.

SECTION 2. OTHER ORDINANCES

The following Ordinances are hereby amended to the extent necessary to conform to the provisions of Section 1 hereof:

Ordinance No. 563-2006,
Ordinance No. 608-2009, and
Ordinance No. 655-2012

To the extent that any of these foregoing ordinances are in conflict with the provisions of Section 1 hereof and Ordinance 763-2017, the same are hereby repealed in accordance with the provisions of Section 3 hereof.

SECTION 3. REPEALER.

All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4. SEVERABILITY.

If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: EFFECTIVE DATE:

This Ordinance shall take effect November 1, 2017 upon final adoption and publication as required by law and shall be applicable to all permit applications filed on and after that date.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on September 13, 2017. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 27th day of September, 2017 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

MARIE J. HOOD
Borough Clerk