

Chapter 129

CONSTRUCTION CODES, UNIFORM

§ 129-1.	Enforcing agency established; subcode officials designated.	§ 129-4.	Reports.
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§ 129-3.	Fees.		

[HISTORY: Adopted by the Borough Council of the Borough of Eatontown 12-22-1976 by Ord. No. 11-76. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 161.

Housing standards — See Ch. 176.

Flood damage prevention — See Ch. 169.

§ 129-1. Enforcing agency established; subcode officials designated.

- A. Establishment. A State Uniform Construction Code enforcing agency is hereby established, consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency.
- B. Qualifications. Each official position created in Subsection A shall be filled by a person qualified for such position pursuant to P.L. 1975, c. 217, as amended,¹ and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. The same person may hold more than one such official position, provided that such person is qualified pursuant to P.L. 1975, c. 217, and N.J.A.C. 5:23 to hold each position.
- C. Location of office. The public shall have the right to do business with the enforcing agency at one office location, except for emergencies and unforeseen and unavoidable circumstances. Said location shall be at the office of the Construction Official, Borough Hall, 47 Broad Street, Eatontown, New Jersey.

§ 129-2. Construction Board of Appeals.

- A. Establishment and qualifications. A Construction Board of Appeals is hereby established to hear appeals from the decisions of the enforcing agency. Such Board shall consist of five members. At least one Board member shall be a registered architect or licensed professional engineer of building construction experience, and at least one Board member shall be as qualified as a Plumbing Subcode Official and one as qualified as an Electrical Subcode Official. No more than two Board members

1. Editor's Note: See N.J.S.A. 52:27D-119 et seq.

shall be selected from the same business or profession. Each Board member shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect or, in the alternative, five years' experience in construction, design or supervision as an architect or engineer with a bachelor's degree in architecture or engineering, respectively, from an accredited institution of higher education or, as a further alternative, 10 years' experience in construction, design or supervision as a journeyman in a construction trade or as a construction contractor, subcontractor or inspection.

- B. Method of appointment; terms. The Mayor, with the consent of the Borough Council, shall appoint the Board members. For the members just appointed, the Mayor shall designate the appointees' terms so that one shall be appointed for a term of one year, one for a term of two years, one for a term of three years and two for a term of four years. At the expiration of such terms and thereafter, appointments shall be made for terms of four years. Vacancies shall be filled for the unexpired term by the Mayor and Borough Council. No Board members may be a member of the enforcing agency, the decisions of which are subject to the review of the Board.
- C. Compensation. All members of the Board of Appeals shall serve without compensation.

§ 129-3. Fees. [Amended 5-27-1987 by Ord. No. 14-87; 11-8-1989 by Ord. No. 21-89; 5-9-1990 by Ord. No. 9-90; 1-12-1994 by Ord. No. 33-93; 5-11-1994 by Ord. No. 594; 9-10-1997 by Ord. No. 11-97; 7-14-2010 by Ord. No. 14-2010]

- A. New Jersey State permit surcharge (training fee). Pursuant to the Uniform Construction Code Act and the regulations thereunder, the fee for the New Jersey State permit surcharge shall be collected in accordance with the provisions and the amounts set out in N.J.A.C. 5:23-4.19, as may be amended. Said surcharge shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending March 31, June 30, September 30 and December 31, and not later than one month next succeeding the end of the quarter for which it is due. **[Amended 9-10-2014 by Ord. No. 13-2014²; 3-10-2021 by Ord. No. 03-2021]**
- B. Plan review fee.
- (1) The fee to be charged for plan review shall be 20% of the amount charged for the construction permit. Plan review fees are nonrefundable.
 - (2) The fee for a revision to plans after permits have been issued shall be 10% of the affected, revised technical subcode permit fee.
- C. Certificate fee.
- (1) The fee to be charged for a certificate shall be paid prior to certificate issuance and shall be in addition to or in lieu of the construction permit fees.
 - (2) The fee to be charged for a certificate of occupancy shall be based on square footage of construction or occupancy and shall be as follows: up to and including 1,000 square feet shall be \$50; 1,001 through 3,000 square feet shall be \$100; 3,001 through 5,000 square feet shall be \$125; over 5,000 square feet shall be \$150. The certificate of occupancy for residential use groups shall be charged per living unit.
 - (3) The fee to be charged for a temporary certificate of occupancy shall be \$50 and \$50 for each

2. Editor's Note: This ordinance provided for an effective date of 1-1-2015.

temporary certificate of occupancy extension or renewal thereafter.

- (4) The fee to be charged for a continued certificate of occupancy shall be \$100.
- (5) The fee to be charged for a change of use group shall be \$100.

D. Construction permit fees.

- (1) The fee to be charged for a construction permit shall be the sum of the basic construction fee plus all applicable special fees and shall be paid prior to construction permit issuance.
- (2) The basic construction permit fee shall be the sum of the parts computed on the basis of volume or cost of construction; the number of plumbing fixtures and pieces of equipment; the number of electrical fixtures and rating of electrical devices; the number of sprinklers, stand pipes, and detectors (smoke and heat) at the unit rates; and/or the applicable flat fees as provided herein plus any special fees.
- (3) The minimum fee for a basic construction permit covering any or and all of the technical subcodes shall be \$65 per technical subcode.
- (4) The fee to be charged for a change of contractor shall be \$50 per related technical subcode or minimum permit fee \$65 per related technical subcode, when applicable.
- (5) The fee to be charged for permit reinstatement shall be \$35 per technical subcode.
- (6) For the purpose of determining estimated cost of construction for renovations, alterations, repairs, and the external utility connection for premanufactured construction the applicant shall submit to the department such cost data as may be available and produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bonafide contractor's bid or contract shall be submitted if available.
- (7) The Construction Official and/or Subcode Official shall make the final decision regarding the estimated cost.

E. Application for a variation.

- (1) 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 and \$100 for Class II and III structures. **[Amended 9-10-2014 by Ord. No. 13-2014³]**
- (2) Resubmissions shall be \$275 for Class I structures and \$75 for Class II and III structures.

F. Elevator fees. The fee for elevators/escalators shall fall under the jurisdiction of the Borough of Eatontown who contracts for professional elevator inspection services. The Borough shall charge an administrative fee associated with the inspection of elevators 30% of the state elevator inspection fees. The elevator inspector fee shall be based on the fee schedule established by the State Department of Community Affairs. **[Amended 8-24-2011 by Ord. No. 15-2011; 12-13-2014 by Ord. No. 16-2014]**

G. Site clearing fees. The fee for a site clearing (application) shall be \$50.

H. General information.

3. Editor's Note: This ordinance provided for an effective date of 1-1-2015.

- (1) All fees shall be rounded up to the nearest dollar.
- (2) All fees to be paid with check or money order made payable to the Borough of Eatontown or with exact cash.

I. Building subcode fees.

- (1) Minimum building subcode fee: \$65.
- (2) New construction or additions: **[Amended 9-10-2014 by Ord. No. 13-2014; 6-22-2016 by Ord. No. 07-2016]**
 - (a) Use group R-5, per cubic foot: \$0.032.
 - (b) All other use groups, per cubic foot of volume: \$0.035.
 - (c) Large (Class 1) single-story, open-volume structures of Use Groups A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1 and S-2, per cubic foot: \$0.021, and shall limit the calculation height to 20 feet. The fee shall be \$0.0011 per cubic foot for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), with the maximum fee for such structures on farms not to exceed \$1,602.
- (3) Alteration/renovation of existing structures: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) R-5 use group, per \$1,000 of estimated cost: \$25.
 - (b) All other use groups per \$1,000 of estimated cost: \$30.
- (4) Sheds: maximum 10 feet height and 101 square feet or larger, per square foot: \$0.65, rounded up to the nearest dollar. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (5) Swimming pool: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) Aboveground: \$100.
 - (b) In-ground: \$150.
- (6) Fence (pool enclosure or exceeding six feet high): \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (7) Retaining wall:
 - (a) Five hundred fifty square foot or less: \$85.
 - (b) Five hundred fifty-one square foot or greater: \$185.
 - (c) All other use groups, per \$1,000 of estimated cost: \$30. **[Added 9-10-2014 by Ord. No. 13-2014]**
- (8) Tent (when applicable per N.J.A.C.): \$150. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (9) Asbestos abatement (per N.J.A.C.): \$75.
- (10) Radon system: \$75.
- (11) Lead abatement (per N.J.A.C.): \$75.

- (12) Demolition of structure: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) In-ground pools and R-5 use group and accessory structures: \$125.
 - (b) All other use groups: \$250.
- (13) Sign (as required by N.J.A.C. 5:23-2.14): \$2 (per square foot), one side only. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (14) Barrier-free parking revisions, including line stripping: \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (15) Temporary structure (greater than 120 square foot): \$75. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (16) Fireplace, including wood stoves: \$125. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (16.1) Roofing. **[Added 9-10-2014 by Ord. No. 13-2014]**
 - (a) R-5 use group flat fee: \$65.
 - (b) Siding for R-5 use group, per \$1,000 of estimated cost: \$25.
 - (c) Roofing/siding for all other uses, per \$1,000 of estimated cost: \$30.
- (17) Items/work not fitting other categories will be based on the fee for alteration, with a minimum fee of \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**

J. Electrical subcode fees:

- (1) Minimum electrical subcode fee: \$65.
- (2) Electrical devices/fixtures:
 - (a) One through 50: \$65.
 - (b) Each additional 25 or fraction of: \$25. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (3) Service entrance: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) Up to 200 amps: \$85.
 - (b) Two hundred one through 400 amps: \$165.
 - (c) Four hundred one amps through 800 amps: \$375.
 - (d) Eight hundred one through 1,200 amps: \$575.
 - (e) Each additional 400 amps over 1,200 amps: \$165.
- (4) Subpanel/service panel:
 - (a) One hundred amps or less: \$75.
 - (b) One hundred one through 200 amps: \$110.
 - (c) Two hundred one through 300 amps: \$250. **[Amended 9-10-2014 by Ord. No. 13-2014]**

- (d) Three hundred one through 400 amps: \$300. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (e) Each 100 amp increase thereafter): \$50.
- (5) Motors/HP/kw/electrical devices: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) One through 10 hp: \$25.
 - (b) Eleven through 50 hp: \$65.
 - (c) Fifty one through 100 hp: \$125.
 - (d) One hundred one through 1,000 hp: \$300.
 - (e) Over 1,000 hp: \$400.
- (6) Transformer/generator/AC condenser, including water heater/HVAC/baseboard heat/dryer/dishwasher/garbage disposal/oven/range/cooktop: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) One through 10 kw: \$65.
 - (b) Eleven through 45 kw: \$85.
 - (c) Forty-six through 100 kw: \$175.
 - (d) Greater than 100 kw: \$300.
- (7) Area lighting pole/ballard: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) One through five: \$65.
 - (b) Each over five: \$20.
- (8) Pool/spa/fountain:
 - (a) Aboveground pool: \$85. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (b) In-ground pool: \$150. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (c) Fountain/spa: \$30.
 - (d) Each fixture/light: \$15. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (e) Annual pool certification: \$85. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (9) Electrical demo:
 - (a) First temporary line: \$65.
 - (b) Each additional line: \$15. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (10) Photovoltaic/solar system: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) First 10 kw: \$150..
 - (b) Each additional 10 kw: \$65.
- (10.1) Furnace/boiler, install/replace: **[Added 9-10-2014 by Ord. No. 13-2014]**

- (a) R-5 use groups: \$65.
- (b) All other use groups: \$125.

(10.2) Hardwired signs: \$65. **[Added 9-10-2014 by Ord. No. 13-2014]**

(11) Special devices not fitting other categories: **[Amended 9-10-2014 by Ord. No. 13-2014]**

- (a) R-5 use groups: \$25 each.
- (b) All other use groups: \$40 each.

K. Plumbing subcode fees:

- (1) Minimum plumbing subcode fee: \$65.
- (2) Typical fixture (each w/c, lavatory, sink, floor drain, etc.): \$15.
- (3) Boiler/furnace/rooftop unit: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) R-5 use group: \$65.
 - (b) All other use groups: \$150.
- (4) Low-water cut off: \$35.
- (5) Water heater/tankless: \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (6) Fuel piping: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) Fuel oil: \$35.
 - (b) Gas: \$65.
 - (c) Hydronic (hot-water baseboard): \$60.
 - (d) Medical gas: \$85 per line.
- (7) Grease trap/interceptor: \$65.
- (8) Water/sewer/gas service (each), per 100 feet: \$75. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (9) Private well: \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (10) Septic (demo fill): \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (11) Pump (sewer, ejector, etc.): \$75. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (12) Vent stack: \$25.
- (13) Fuel-fired device (stove, dryer, generator, etc.): \$45. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (14) AC/refrigeration/ condensate (each): \$50 each. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (15) Auxiliary water meter: \$15.
- (16) Solar system: \$80. **[Amended 9-10-2014 by Ord. No. 13-2014]**

(17) Backflow preventer:

- (a) R-5 use group: \$40.
- (b) All other use groups: \$80. **[Amended 9-10-2014 by Ord. No. 13-2014]**

(18) Annual certification (backflow, etc.): \$65.

(18.1) Sewer demo cap-off: \$65. **[Added 9-10-2014 by Ord. No. 13-2014]**

(19) Special devices (each device not fitting other categories): \$15.

L. Fire subcode fees:

- (1) Minimum fire subcode fee: \$65.
- (2) Gas-fired appliance: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) R-5 use group: \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (b) All other use groups: \$125.
- (3) Fireplace: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (a) R-5 use group for gas/solid fuel: \$65.
 - (b) All other use groups for gas/solid fuel: \$125.
 - (c) Masonry for all use groups: \$150.
- (4) Flue/vent/chimney: \$50.
- (5) Kitchen hood exhaust system: \$150.
- (6) Pre-engineered system (wet/dry chemical foam, etc.): \$150.
- (7) Combustible hood system: \$150.
- (8) Smoke control system: \$200.
- (9) Incinerator/crematory: \$500.
- (10) Fire escape: \$100.
- (11) Tank deactivation (each flammable, combustible):
 - (a) Abandonment, fill: \$100.
 - (b) Removal: \$65.
- (12) Tank installation (each flammable, combustible):
 - (a) Up to 500 gallons: \$75.
 - (b) Five hundred one through 1,000 gallons: \$125.
 - (c) One thousand one through 2,000 gallons: \$150.

- (d) Two thousand one through 5,000 gallons: \$200.
 - (e) Five thousand one through 10,000 gallons: \$500.
 - (f) Ten thousand one gallons and greater: \$750.
- (13) Commercial fuel pump service station, etc.:
- (a) One through six: \$65.
 - (b) Each additional: \$15. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (14) Underground fire service:
- (a) First 50 feet: \$100.
 - (b) Each additional 50 feet, or fraction thereof: \$20. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (15) Fire suppression:
- (a) One through 20 heads: \$65.
 - (b) Twenty-one through 100 heads: \$120.
 - (c) One hundred one through 200 heads: \$230. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (d) Two hundred one through 400 heads: \$595. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (e) Four hundred one through 1,000 heads: \$825. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (f) One thousand one heads and greater: \$1,050 each. **[Amended 9-10-2014 by Ord. No. 13-2014]**
- (16) Fire alarm control panel:
- (a) R-5 use group: \$65. **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - (b) All other use groups: \$125.
- (17) Detector/alarm/pullstation/signaling device:
- (a) One through 20: **[Amended 9-10-2014 by Ord. No. 13-2014]**
 - [1] R-5 use group: \$65.
 - [2] All other use groups: \$100
 - (b) Twenty-one through 100: \$250.
 - (c) One hundred one through 200: \$350.
 - (d) Two hundred one through 400: \$650.
 - (e) Four hundred one through 1,000: \$1,000.
 - (f) Each additional device 1,001 and greater: \$10.

- (18) Fire pump: \$250.
- (19) Jockey pump: \$150.
- (20) Standpipe:
 - (a) First standpipe riser: \$300.
 - (b) Each additional standpipe: \$150.
- (21) Special devices (each device not fitting other categories): \$40.

§ 129-4. Reports. [Amended 3-10-2021 by Ord. No. 03-2021]

- A. Biannual review of fee schedules. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Borough Council, biannually, a report recommending a fee schedule based on the operating expenses of the agency and other expenses of the municipality attributable to the enforcement of the State Uniform Construction Code Act and subcodes.
- B. 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 surcharge collected in the fiscal year.

§ 129-5. Waiver of fees to promote renovation of existing vacant commercial structures. [Added 3-10-2021 by Ord. No. 03-2021]

- A. No person shall be charged a Borough construction fee or enforcing agency fee for any construction, alteration and improvement designed and undertaken solely to renovate a previously occupied and currently vacant commercial structure or currently vacant unit within an existing commercial structure for the purpose of obtaining a certificate of occupancy. The waiver of fees shall not include Uniform Construction Code surcharge fees as applicable.
- B. For purposes of this section, the structure or the unit within a structure which is being renovated shall be required to be vacant for 12 months prior to the permit application in order to be eligible for the waiver of fees. The applicant shall be required to establish that the structure, or the unit within the structure, has been vacant. A waiver shall be limited to a renovation or alteration of a unit of less than 5,000 square feet. For purposes of calculating square footage, a vacant unit of 5,000 square feet or less shall qualify for the waiver of fees if the unit existing prior to and after renovations is equal to or less than 5,000 square feet, regardless of the total size of the structure. Units which exceed 5,000 square feet prior to or after renovation shall not qualify for the waiver of fees.
- C. For purposes of this section, no waiver of fee shall be provided to any commercial structure or unit within a structure if the commercial property has outstanding property taxes or outstanding property maintenance violations.
- D. This section shall expire on March 31, 2022, unless extended by the Borough Council of the Borough of Eatontown.