

ORDINANCE 03-2021

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 129 OF THE BOROUGH CODE ENTITLED "CONSTRUCTION CODES, UNIFORM" TO ADD A NEW SECTION ENTITLED "WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE RENOVATION OF EXISTING VACANT COMMERCIAL STRUCTURES;" TO AMEND SECTION 129-3 ENTITLED "FEES;" AND TO AMEND SECTION 129-4 ENTITLED "REPORTS; SURCHARGE FEE"**

**WHEREAS**, there are a number of vacant commercial properties, including vacant commercial storefronts in the Borough; and

**WHEREAS**, encouraging businesses to fill vacant commercial space enhances the health safety and general welfare of the community and enhances neighboring property values; and

**WHEREAS**, renovation of existing commercial properties encourages owners and tenants to occupy and utilize currently vacant commercial properties; and

**WHEREAS**, the Mayor and Borough Council believe it is in the best interest of the Borough and its residents to waive construction fees and enforcing agency fees for construction projects to renovate certain vacant commercial properties, to encourage renovation and occupancy of those properties; and

**WHEREAS**, there is an inconsistency in the Borough Code regarding the New Jersey State permit surcharge (training fee) collected and remitted to the State pursuant to the Uniform Construction Code Act and N.J.A.C. 5:23-4.19;

**NOW, THEREFORE, BE IT ORDAINED** by the **MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY** that the Borough Code is hereby amended as follows:

**SECTION 1 §129-5**

Chapter 129 entitled "Construction Codes, Uniform" is hereby amended to add a new Section 129-5 entitled "Waiver of fees for construction to promote renovation of existing vacant commercial structures" as follows:

**§ 129-5 Waiver of fees for construction to promote renovation of existing vacant commercial structures.**

- 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 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.

## **SECTION 2 §129-3**

Chapter 129 entitled "Construction Codes, Uniform" Section 129-3 entitled "Fees" subsection A. is amended as follows (additions are underlined; deletions are Stricken):

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. \$0.00334 per cubic foot of volume for new building and additions as well as \$1.70 per \$1,000 of estimated cost of work other than new structures. (Volume shall be computed in accordance with N.J.A.C. 5:23-2.28). 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.

## **SECTION 3 §129-4**

Chapter 129 entitled "Construction Codes, Uniform" Section 129-4 entitled "Reports; surcharge fee" is amended as follows (additions are underlined; deletions are Stricken):

### **§ 129-4 Reports; surcharge fee**

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. ~~Fees payable to the State of New Jersey.~~

(1) ~~The enforcing agency shall collect, in addition to the fees specified in § 129-3 hereof, a surcharge of \$0.0006 per cubic foot of volume of new construction. 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.~~

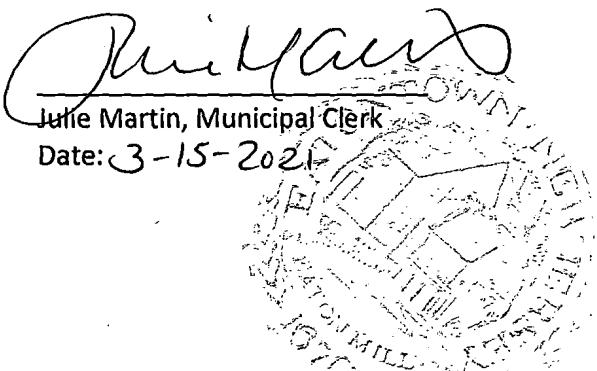
(2) The enforcing agency shall report annually, at the end of each fiscal year, to the Bureau of Housing Inspection, and not later than July 31, the total amount of surcharge collected in the fiscal year.

## **SECTION 4 EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication in accordance with applicable law.

DATE INTRODUCED: February 24, 2021  
DATE ADOPTED: March 10, 2021

ATTEST :

  
Julie Martin, Municipal Clerk  
Date: 3-15-2021

APPROVED:

  
Anthony Talerico, Jr., Mayor  
Date: 3-15-2021