

**BERNARDSVILLE BOROUGH
ORDINANCE #2024-1989**

**AN ORDINANCE CONCERNING CONSTRUCTION CODE FEES AND
AMENDING CHAPTER 12 OF THE BOROUGH CODE ENTITLED
"BUILDING AND HOUSING"**

WHEREAS, the DCA Uniform Construction Code regulations provide in N.J.A.C. 5:23-4.17 that “the municipality shall set enforcing agency fees by ordinance”; and

WHEREAS, N.J.A.C. 5:23-4.17 further provides that:

(‘b) On or before February 10 of each year . . . the construction official shall, with the advice of the subcode officials and in consultation with the municipal finance officer, prepare and submit to the governing body a report detailing the receipts and expenditures of the enforcing agency and indicating his recommendations for a fee schedule, based on the operating expense of the agency”; and

WHEREAS, N.J.A.C. 5:23-4.17 also states that “the fee schedule shall be calculated to reasonably cover the municipal costs of enforcing the regulations”; and

WHEREAS, Borough Construction Official Chris Diacik submitted a report on June 6, 2023, in which he made his recommendations , in accordance with the requirements of N.J.A.C. 5:23-4.17 (b), for a fee schedule based on the operating expenses of the agency;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville, in the County of Somerset, New Jersey that subsection 12-1.2 entitled "Fees" in section 12-1 entitled "State Uniform Construction Code" in Chapter XII of the Borough Code entitled "Building and Housing" is hereby amended as follows:

Section 1. Subsection 12-1.2 is hereby amended to read as follows:

§ 12-1.2 Fees.

The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a through g paid prior to the issuance of a permit. 20% of the construction permit fee shall be considered as the plan review fee, which will be collected at the time the permit is issued and is nonrefundable.

a. **Building Subcode Fees.** The building subcode fees shall be as follows:

1. Fees for new construction shall be based upon the volume of the structure. This fee shall be in the amount of \$0.05 per cubic foot.
- 2., The unit rate for large, open-volume, single story spaces in buildings, such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural, and storage-use occupancies, shall be less than the unit rate for other types of buildings and occupancy classifications. shall be \$0.005 per cubic foot. For the purpose of calculating the volume to determine the fee for these spaces, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet. ~~for a single~~
3. Fees for renovations, alterations, reroofing, repairs, and site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connections for premanufactured construction, shall be based upon the estimated costs of the work.

This fee shall be:

\$30 per \$1,000 of estimated cost of work up to \$100,000 of estimated cost of construction;

\$18 per \$1,000 for estimated cost of work above \$100,000;

\$10 per \$1,000 for additional costs over \$150,000 estimated cost of construction. The minimum fee shall be \$80 ~~\$45 for a single trade~~.

4. Fees for additions shall be computed on the same basis as for new construction (volume) for the added portion.
5. Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with paragraphs 2 and 3 above.
6. Temporary structures and all structures for which volume cannot be computed, such as swimming pools and open structural towers, shall be charged a flat rate. The fee for construction or installation of a single-family residential in-ground

swimming pool shall be ~~\$200~~ \$150. The fee for construction or installation of all other use groups inground swimming pools shall be \$200. The fee for above-ground pools shall be \$100. The fee for fences shall be \$45.

7. The fee for the construction or installation of tennis courts shall be \$150.
8. The fee for mechanical permit for R-3 and R-5 structures shall be ~~\$80~~.
- b. Plumbing Subcode Fees. The plumbing subcode fees shall be as follows (the stated fees are per fixture):

Water Closet	\$20 40
Bidet/Urinal	\$20 45
Bath Tub	\$20 45
Lavatory/Sink	\$20 45
Shower	\$20 45
Floor Drain	\$20 45
Dish Washer	\$15
Drinking Fountain	\$15
Washing Machine	\$15
Hose Bibb	\$15
Water Heater	\$80 50
Fuel Oil Piping	\$80 65
Steam Boiler	\$65
Hot Water Boiler	\$65
Sewer Pipe	\$65
Interceptor/Separator	\$65

Residential Back Flow Preventor	\$65
Commercial Back Flow Preventor	\$65
Grease Trap	\$65
Water Cooler A/C	\$65
Sewer Connection	\$65
Water Service Connection	\$65
Stack	<u>\$20</u> 15
Refrigeration Unit	<u>\$80</u> 65
Active Solar Systems	<u>\$80</u> 65
Garbage Disposal	<u>\$20</u> 15
Gas Logs or Gas Fireplace	<u>\$80</u> 15
Gas Pipe Over 5 feet (need drawing and test)	<u>\$80</u> 65
Gas Pipe Over 5 feet Reconnect Fee	<u>\$20</u> 15
Generator	<u>\$80</u> 65
Hot Air Furnace or A/C unit or both HVAC unit	<u>\$80</u> 65
Indirect Waste	<u>\$20</u> 15
Pool Heater	<u>\$80</u> 65
Refrigeration Units	<u>\$80</u> 65
Sewer Pumps	<u>\$80</u> 65
Steam Generator for Shower	<u>\$80</u> 65
Storm Drain Inside per Roof Drain	<u>\$20</u> 25

Sump Pumps	\$ <u>20</u> 15
Water Treatment Systems (Water softeners)	\$ <u>80</u> 65
Yard Hydrant	\$ <u>80</u> 65
Other/Special Device	\$65
Emergency Repairs (Sewer/Water)	\$65
<u>Pool Drains</u>	\$ <u>20</u>
<u>Chimney Liners</u>	\$ <u>80</u>
Plan Review Credit	20% <u>20</u>
Minimum Fees	\$ <u>80</u> 65

c. Electrical Subcode Fees. Electrical subcode fees shall be as follows

Minimum fee single trade	\$ <u>80</u> 60
Switches, fixtures, receptacles, motors under 1 hp, outdoor lighting including standards under 8 feet, communication points, alarm points, devices	
All the above 1st-25 items	\$ <u>75</u> \$50
Each additional item	\$0.50
Devices Rated kW/KVA	
1-10	\$ <u>25</u> 15
Over 10 to <u>50</u> 25 ___	\$ <u>85</u> \$30
Over 25-50	\$65
Over 50-100	\$ <u>125</u> \$150
Over 100	\$530

Devices Rated by HP

1-10	<u>\$25</u> \$15
Over 10 to <u>50</u> 25	<u>\$85</u> \$30
Over 25-50	\$65
Over 50-100	<u>\$150</u> \$125
Over 100	\$530

Electric range/ovens/surface units, electric

Rated by kW/KVA water heaters, dryers, dishwashers, central A/C, baseboard heat, transformers, generators, steam generators for showers

Pool Permits

Inground pool	<u>\$200</u> \$150
Aboveground pool	<u>\$100</u> \$75
Spa, hot tub, fountain	<u>\$100</u> \$75
Storable pool, hydro massage bath tub	<u>\$75</u> \$50
Security system 1- and 2-family dwellings	\$50
Space heater, air handler	By HP or kW/KVA
Electric signs	<u>\$65</u> \$50
Lighting standards over 8 feet	<u>\$65</u> \$50
Utility load management devices	<u>\$65</u> \$50
<u>SPD's</u>	
<u>EV Chargers</u>	<u>\$65</u>

	<u>\$100</u>
Garbage disposals	By HP
Motors	By HP
Services, Panels, Switch Boards, Motor Control Centers	
Over 100 amps	<u>\$65</u> \$50
Over 100-200 amps	<u>\$150</u> \$100
Over 200-400 amps	\$250
Over 400 amps	\$530
Communication closet	\$50 per item
Special Devices	

d. Fire Subcode Fees. Fire subcode fees shall be as follows:

1. The fee for sprinkler systems shall be \$60 for up to 20 heads;
For 21 to and including 100 heads the fee shall be \$120;
For 101 to and including 200 heads the fee shall be \$2 per head;
For 201 to and including 400 heads the fee shall be \$2 per head;
For 401 to and including 1,000 heads the fee shall be \$2 per head; and
For 1001 heads and over the fee shall be \$1 per head.
2. The fee for each standpipe shall be \$100.
3. The fee for each independent pre-engineered suppression system shall be \$50.
4. The fee for each gas or oil-fired appliance which is not connected to the plumbing system shall be \$50 (R-3 & R-5 exempt) \$25.
5. The fee for each kitchen exhaust system shall be \$65. \$50.

6. The fee for spray booths exhaust system shall be \$50.
7. The fee for a wood/coal burning stove, prefab ~~or masonry~~ fireplace shall be \$50.
\$25.
8. The fee for smoke, heat detectors and manual fire alarms shall be \$60 for up to 20 alarms;

For 21 to and including 100 alarms the fee shall be \$120;

For 101 to and including 200 alarms the fee shall be \$2 per alarm;

For 201 to and including 400 alarms the fee shall be \$2 per alarm;

For 401 to and including 1,000 alarms the fee shall be \$2 per alarm;

and

For 1001 alarms and over the fee shall be \$1 per alarm.

9. The fee for R-3 and R-5 fire alarm systems shall be \$60. ~~\$50~~.
10. The fee for fire pumps shall be \$150 each.
11. The fee for incinerators shall be \$150 each.
12. The fee for crematoriums shall be \$150 each.
13. (Reserved)
14. The fee for exit-egress lighting shall be \$5 each.
15. The fee for chimney relining shall be \$25.
16. The minimum fee for any work requiring plan review which is not listed or itemized above, i.e., fire separation, emergency lighting, flame spread and smoke ratings, etc., shall be \$80. ~~\$50~~.

e. Certificates and Other Special Fees.

1. The fees for Certificates shall be as follows:

- (a) Certificate of Occupancy, residential (single family), is \$150, or 10% of permit fee, whichever is greater.

- (b) Certificate of Occupancy, other than single family, is \$175, or 10% of permit fee, whichever is greater.
 - (c) Certificate of Occupancy for changes in use group is \$120.
 - (d) Certificate of Approval, no fee.
 - (e) Continued Certificate of Occupancy is \$150.
 - (f) Temporary Certificate of Occupancy, no fee.
2. The fee for a demolition and/or removal permit of a building or structure shall be \$200, provided that the fee shall be \$25 for structures under 400 square feet in area.

For the removal or abandonment of underground storage tanks, the fee shall be \$80 - ~~\$75~~ each for tanks under 1,000 gallons and \$100 each for tanks over 1,000 gallons.

- 3. The fee to construct or erect a sign shall be \$0.50 per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$80. ~~\$35~~.
- 4. The fee for the installation of underground or aboveground storage tanks shall be \$50 per \$1,000 of estimated cost of construction each for tanks under 1,000 gallons;
 \$60 per \$1,000 of estimated cost of construction each for tanks from 1,000 to 1,999 gallons; and
 \$75 per \$1,000 of estimated cost of construction each for tanks of 2,000 gallons or more.
- 5. The fee for asbestos abatement project shall be \$70. This fee shall also apply to lead abatement projects.
- 6. The fee for an application for a variation request shall be \$50.
- 7. The fee for an application for the Construction Board of Appeals shall be \$100.
- 8. (Reserved)
- 9. (Reserved)
- 10. (Reserved)

11. The fee to reinstate a lapsed permit shall be \$85. ~~25% of the initial permit fee provided such application is made within one year from the date the initial permit lapsed. Thereafter, the fee to reinstate a lapsed permit shall be 100%.~~
12. The fee for change of contractor shall be \$25 per subcode.
13. ~~The fee for an annual permit shall be charged annually, and shall be a flat fee based on the number of maintenance workers excluding managers, engineers and clerks who are primarily engaged in work governed by a subcode (building/fire, electrical and plumbing).~~

Fees shall be as follows:

- (a) One through 25 workers (including foremen) \$400 per worker; each additional worker over 25 \$150 per worker.
 - (b) Prior to the issuance of the annual permit a training registration fee of \$100 per subcode shall be submitted by the applicant to the Department of Community Affairs, Construction Code Element, Training Section along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey."
- f. Exempt Fees.
1. No fees shall be charged for construction of any permitted building or structure owned by the County of Somerset or the Borough of Bernardsville or any of their respective agencies.
 2. Newly constructed and rehabilitated residential units that are to be legally restricted to occupancy by households of low and moderate income shall be exempt from construction permit fees, except for the State Training Fee.
 3. Pursuant to N.J.S.A. 52:27D-126e, no person shall be charged a construction permit 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.
- g. Outside Agency Fees. Notwithstanding any other fee hereinafter set forth, when the Borough has retained a private on-site inspection or plan review agency to carry out subcode official responsibility no fee charged shall exceed the amount paid by the Borough to that private agency plus 15%. **[Ord. No. 91-906 § 2; Ord. No. 93-929 § 1; Ord. No. 95-1023 § 1; Ord. No. 97-1084 § 1; Ord. No. 97-1100 §§ 1 — 4; Ord. No. 97-1114 § 1; Ord. No. 2006-1429; Ord. No. 2010-1535 § 1]**

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

Anthony Suriano
Anthony Suriano, Borough Clerk

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

By: Mary Jane Canose
Mary Jane Canose, Mayor

Introduction: 1/22/24

1st Publication: 1/25/24

Public Hearing and Adoption: 2/26/24

2nd Publication: 2/29/24