

**BOROUGH OF PROSPECT PARK
COUNTY OF PASSAIC**

ORDINANCE NO. 2024-04

**ORDINANCE AMENDING VARIOUS CONSTRUCTION FEES AND INSPECTION FEE
FOR CHANGE OF OWNERSHIP, TENANCY OR OCCUPANCY
FOR RENTAL DWELLING UNITS**

WHEREAS, the Borough of Prospect Park requires the collection of fees for certain construction activities and inspection fees as to not pass along these costs to the overall residents of the Borough; and

WHEREAS, the Borough of Prospect Park has not updated these fees in a significant time and wishes to revise them accordingly with the actualized costs realized by the Borough for these services; and

WHEREAS, the Mayor and Council of the Borough of Prospect Park have determined that it is in the best interest of the Borough to amend the housing and construction fees and the change of ownership, tenancy and occupancy fees or rental dwelling units set forth by Ordinances of the Borough and set forth in § 146-3, Chapter 221, and § 311-11, entitled “Fees” of the Code of the Borough of Prospect Park available on the Borough website.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Prospect Park, the County of Passaic, that all Ordinances of the Code of the Borough of Prospect Park, and specifically § 146-3, and § 311-11, entitled “Fees” and Chapter 221, entitled “Housing Standards” of the Code of the Borough of Prospect Park contained on its website is hereby amended to state as follows and to add the below Section to Chapter 221:

§ 146-3. Fees.

A. Construction permit. The fee for a construction permit shall be the sum of the sub fees listed in Subsection A(1) through A(5) of this section and shall be paid before the permit is issued.

(1) Building Subcode. The Building Subcode fees shall be:

(a) New construction: \$0.038 per cubic foot of the building or structure volume, provided that the minimum fee shall be \$200 for the principal building and \$75 for accessory structures. The fee for an accessory residential storage shed less than 200 square feet in area shall be \$75.

(b) Addition to a building or structure: \$0.03 per cubic foot of volume with a minimum fee of \$200.

(c) Alteration, renovations, open structures, reroofing, residing: \$34 for each \$1,000 of estimated cost or fraction thereof, with a minimum of \$85.

(d) Demolition of building or structure: \$150 and \$100 for closure of underground storage tanks up to 2,000 gallons and \$200 for greater than 2,000 gallons' capacity.

(e) Construction or replacement of driveways, fences, ground level decks, patios or walkways: \$25 for each \$1,000 estimated cost, with a minimum of \$75.

(f) Signs: \$3 per square foot of surface area of one side, with a minimum of \$65.

(g) Swimming pools: \$85 for an aboveground swimming pool and \$275 for an in-ground pool.

(h) Relocation of a building or structure: \$25 for each \$1,000 of estimated cost of work, with a minimum of \$200.

(i) Elevators: \$275 for each new installation and \$140 for routine inspections.

(j) Asbestos abatement: \$100.

(k) Radon Remediation: \$85.00

(l) Certificate of occupancy: \$100 for residential and \$200 for nonresidential certificates. Absentee landlord registration: \$100.

(m) Temporary certificates of occupancy: \$50 for residential and \$100 for nonresidential certificates.

(n) Lead paint abatement: \$100.

(2) **Electrical Subcode. The Electric Subcode fees shall be:**

(a) Electrical fixtures and devices.

[1] From one to 50 receptacles, switches or fixtures: \$85.

[2] Increments of 25 additional items: \$25.

[3] For purposes of computing this fee, the terms "receptacle," "fixtures," or "switches" shall include:

[a] Lighting outlets.

[b] Fluorescent fixtures.

[c] Intercom devices.

[d] CRT outlets.

[e] Smoke detectors.

[f] Pool bonding.

[g] Thermostats.

[h] Light standards.

[i] Heat detectors.

[j] Burglar alarm.

[k] Telephone outlets.

(b) Motors.

- [1] Greater than 1 hp or less than or equal to 10 hp: \$25.
- [2] Greater than 10 hp or less than or equal to 50 hp: \$65.
- [3] Greater than 50 hp or less than or equal to 100 hp: \$150.
- [4] Greater than 100 hp: \$500.

(c) Electrical devices.

- [1] Greater than 1 kW or less than or equal to 10 kW: \$50.
- [2] Greater than 10 kW or less than or equal to 50 kW: \$100.
- [3] Greater than 50 kW or less than or equal to 100 kW: \$150.
- [4] Greater than 112.5 kW: \$350.

[5] Note: Actual nameplate kW rating must be noted on application to include motor average field ratings.

Device	kW
Electric dryer	5.0
Electric range	10.8
Surface units	5.1
Hot water heater	4.5
Central air per ton	1.4
Dishwasher	1.2
Geothermal kW range f 3.8 to 19.2 plus heat pump	2.6 to 7.4
Electric baseboard heat greater than 4-foot length	1.3
Hardwired microwave over	1.44

(d) Service equipment. Term includes service panel, service entrance and subpanels, each equipment piece priced as follows:

- [1] Greater than 0 amps, less than 200 amps: \$60.
- [2] Greater than 200 amps, less than or equal to 1,000 amps: \$130.
- [3] Greater than 1,000 amps: \$500.

(e) Flat rate for private swimming pools, spa or hot tub as described in the Building Code and shall include any required bonding associated equipment such as filter, pumps, receptacles, except underwater lighting and panel boards; the fee shall be \$85.

(f) Minimum fee is \$85. [Amended 7-25-2016 by Ord. No. 2016-8]

(g) Common miscalculations.

[1] Temporary pole/construction service agreement. Average service panel \$85 + GFI REC \$85 = \$170.

[2] Central air. Typical residential unit at \$15 + fractional air handlers or attic fan disconnect \$50.

(h) Residential Solar Install: \$225.

(3) Fire Protection Subcode. The Fire Protection Subcode fees shall be:

(a) Sprinkler heads: \$1 with a minimum fee of \$150 for 1-100 sprinkler heads; \$500.00 for 101-400; \$750.00 for 401-1000' and \$1000.00 for over 1000.

(b) Smoke and heat detectors: \$6 each with a minimum fee of \$85.

(c) Standpipes: \$200 per pipe.

(d) Kitchen hood exhaust system: \$150

(e) Pre-engineered chemical suppression systems: \$85.

(f) Gas- or oil-fired heating appliances: \$85 per appliance.

(g) Fireplaces and chimneys: \$85.

(h) Underground storage tanks, new installation: \$200 per each tank system.

(i) Fire Pumps: Initial \$200; K-Tank Removals or Closure up to 2,000 gallons - \$100 per tank; and 2000 gallons and above \$200 per tank.

(j) Minimum Fire Subcode fee: \$85.

(4) Plumbing Subcode. The Plumbing Subcode fees shall be:

(a) For fixtures and equipment. Water closet, urinal/bidet, bathtub, shower, lavatory, floor drain, sink, dishwasher, drinking fountain, washing machine, hose bib, water heater: \$30.

(b) Steam or hot water boiler, (new): two or more \$50 each plus \$85 fire permit.

(c) Sump pump, interceptor, separator, backflow preventer, grease trap, water cooled A/C or refrigeration unit: each \$65.

(d) Sewer connection: \$85.

(e) Water connection: swimming pools, lawn sprinklers, cooling towers, or accessory buildings: \$65.

(f) Gas service connection or gas line extension (piping): \$65.

(g) Required routine mechanical inspections: \$85.

(h) Vent stack: \$50.

(i) Minimum Subcode fee: \$85 for replacement of fixtures and \$120 for new work.

(5) **Mechanical Subcode.** The Mechanical Subcode fees shall be:

- (a) Initial Fee - \$85.00
- (b) Fuel Oil Piping Connections - \$20.00
- (c) Gas Piping Connections - \$20.00
- (d) Steam Boiler - \$85.00 (one) \$50.00 per (for 2 or more)
- (e) Hot Water Boiler - \$85.00 (one) \$50.00 per (for 2 or more)
- (f) Hot Air Furnace - \$20.00
- (g) Oil Tank - \$20.00
- (h) LPG Tank - \$20.00
- (i) Fireplace - \$20.00
- (j) Generator - \$20.00
- (k) Other - \$20.00
- (l) Minimum Subcode Fee: \$85.00

B. The Construction Official shall, with the advice of subcode officials, prepare and submit annually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.1

C. Surcharge fee. In accordance with the Uniform Construction Act, a surcharge fee of \$0.00265 per cubic foot of new construction volume shall be added to the construction permit fee as listed above, add \$1.35 per \$1,000 of alterations.

D. Plan review. The fee for plan review shall be 20% and shall be paid before the plans are reviewed. The amount for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

E. Change of Contractor. There shall be a fee of \$50.00 paid and due to the Borough of Prospect Park, in the event that at any point prior to or during the construction there is a change of Contractor.

F. Fees Not Listed. In the event that a construction subcode fee is not listed herein, the Borough shall utilize the uniform construction code fee provided.

Chapter 221
Housing Standards

NEW SECTION:

Section 1. Certificate of Sale/Compliance. Before the possession of any building or structure in the Borough of Prospect Park may pass from one person to another, the owner of the building or structure shall apply for and obtain a certificate of compliance from the Construction Official and/or their designee. The owner shall also request and permit the building to be inspected by the Construction Official and/or their designee; and in all cases of nonresidential buildings, the Fire Prevention Bureau. The Construction Official and/or their designee shall refuse to issue a certificate of compliance until the owner shall provide an opportunity to conduct the necessary inspections. Inspections by the Construction Official and/or their designee and the Fire Prevention Bureau, if applicable, shall be made in order to determine whether the condition of the premises in question complies with applicable ordinances and codes of the Borough. The Construction Official and/or their designee is authorized to withhold a certificate of sale/compliance until such compliance with the ordinances and codes is obtained.

Section 2. The applicant shall pay to the Borough the following fee for the issuance of a Certificate of Sale/Compliance pursuant to Subsection 1 above:

- (1) One (1) Family Dwelling: \$100.00
- (2) Two (2) Family Dwelling: \$200.00
- (3) Three (3) Family Dwelling: \$300.00
- (4) Commercial: \$200.00

Section 3. The Certificate of Sale/Compliance for commercial and industrial buildings shall not be valid unless it is signed by the Chief of the Bureau of Fire Prevention, in addition to such other signatures otherwise required by the ordinances.

Section 4. The Construction Official and/or their designee shall inspect the premises to determine if the property complies substantially with the requirements of this chapter and as to whether or not there are any apparent Construction Code violations.

Section 5. The issuance of a Certificate of Sale/Compliance shall not constitute any representation(s) as to any violations which are not apparent.

Section 6. The issuance of a Certificate of Sale/Compliance shall not constitute any representation(s) as to the strength, durability, quality or life of any equipment or component in the structure.

Section 7. In the event that the Construction Official and/or their designee finds any violations, he/she will note them and will notify the person requesting said certificate as well as the owner of the premises.

Section 8. The Certificate of Sale/Compliance shall contain language reflecting the limitations provided in this chapter.

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§ 311-11. Fees.

In an effort to promote the registration of all rental units within the Borough of Prospect Park, there shall be no registration fee imposed; however, prior to the issuance of a registration certificate, the owner or agent of the owner must pay an inspection fee in accordance with the following:

A. Inspection fees.

(1) An annual inspection fee of \$100 is required for all non-owner-occupied dwellings or buildings. The inspection fee shall not be per unit, but shall be per property.

(2) The inspection fee, upon every change in tenancy or occupancy shall be \$75.00 per unit (Certificate of Rental).

(3) In the event a reinspection is required, reinspection fees as follows:

(a) First reinspection: \$50 per unit;

(b) Second reinspection: \$60 per unit;

(c) Third reinspection: \$70 per unit; and

(d) Fourth or subsequent reinspection: \$100 per unit.

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining Ordinances, regulations and/or sections of the Code of the Borough of Prospect Park not specifically referenced herein shall continue in full force and effect; and

BE IT FURTHER ORDAINED by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed; and.

BE IT FURTHER ORDAINED this Ordinance shall take effect upon final passage and publication according to law.

**Introduction and First Reading:
February 26, 2024**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Council President Ortiz			✓			
Councilman Artis			✓			
Councilman Daghestani			✓			
Councilman Hussain		✓	✓			
Councilwoman Perez			✓			
Councilman Shah	✓		✓			


Second and Final Reading of Ordinance Adoption:

March 18, 2024

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Council President Ortiz	✓		✓			
Councilman Artis						✓
Councilman Daghestani			✓			
Councilman Hussain			✓			
Councilwoman Perez			✓			
Councilman Shah		✓	✓			


Mohamed Khairullah, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Prospect Park
at a meeting held March 18, 2024.**


Fahim K. Abedrabbo, MPA
Acting Municipal Clerk