

**ROCKAWAY TOWNSHIP**  
**MORRIS COUNTY, NEW JERSEY**

**ORDINANCE NO. O-23-22**

**AN ORDINANCE AMENDING CHAPTER 12 ENTITLED “BUILDING  
AND HOUSING” SECTIONS 12-1 STATE UNIFORM CONSTRUCTION  
CODE OF THE TOWNSHIP OF ROCKAWAY**

**WHEREAS**, N.J.S.A. 40:48-1 and 2 permit a municipality to make and amend an ordinance as it may deem necessary and proper for good government, order, and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and,

**WHEREAS**, the Township deems it appropriate to amend Section 54-15 of its Land use and Development Ordinance.

**BE IT ORDAINED** by the Council of the Township of Rockaway as follows:

**Section 1.** Chapter 12 of the Code of the Township of Rockaway, Building and Housing, is hereby amended to read as follows:

**§ 12-1 State Uniform Construction Code.**

**§ 12-1.1 Establishment of enforcing agency.**

- A. There is hereby established in the Township a State Uniform Construction Code enforcing agency to be known as the “Rockaway Township Uniform Construction Enforcing Agency” (hereinafter referred to as the “Enforcing Agency”), consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Mechanical 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.

**§ 12-1.3 Definitions**

- A. For purposes of this chapter, terms used herein shall have the same meaning as set forth in the New Jersey State Uniform Construction Code (UCC) regulations, *N.J.A.C. 5:23-1 et seq.* In the event of any conflict or inconsistency, the provisions of the UCC shall control. The following terms shall have the meanings indicated:

**ADDITION**

An increase in the footprint area of a building or an increase in the average height of the highest roof surface or the number of stories of a building, as defined in NJ State Uniform Construction Code (UCC) section *N.J.A.C. 5:23-6.3*.

**ALL OTHER GROUPS**

Any use group that is not an R-5, one- or two-family structure.

**CELL ANTENNA DEFINITIONS**

Array means a group of three antennas and may include an associated RRH Unit. Antenna support means the installation of an array on a building or structure that is not a tower.

**CHANGE OF USE**

The change from one use group to another, as defined in UCC section *N.J.A.C. 5:23-6.3* Rehabilitation Subcode and regulated by UCC section *N.J.A.C. 5:23-6.31*.

**COST OF CONSTRUCTION**

The cost of labor and materials at its normal or usual cost as billed to the consumer, in accordance with *N.J.A.C. 5:23-2.15(a)4*.

**DEMOLITION**

The complete or substantial dismantling of a building or structure, as outlined in UCC section *N.J.A.C. 5:23-2.17*.

**DEMOLITION, INTERIOR**

The dismantling and removal of walls, floors and/or ceilings on the interior of a building or structure. This would apply when a separate construction permit is requested for just interior demolition. This would not allow for any construction activities to be performed.

**DETACHED**

In the case of a Group R-5, one- or two-family structure that is not attached to another structure such as in the case of a Townhouse or an accessory structure associated with any other use group, or a residential unit above, below or adjacent to any other use group.

**FOOTPRINT OF A BUILDING**

The area of a building within the horizontal projection of the roof or floor above, as defined in the Building Subcode, Chapter 2.

### **TEMPORARY STRUCTURE**

Any structure such as but not limited to tents, tensioned membrane structures, canopies, awnings, site trailers for public access, construction material storage trailers and similar structures and meeting the criteria as listed in UCC section *N.J.A.C. 5:23-2.14(b)4.11*. Temporary is defined as being in place for 180 consecutive days or less.

### **UNIFORM CONSTRUCTION CODE (UCC)**

The New Jersey State Uniform Construction Code regulations, *N.J.A.C. 5:23-1 et seq.*

### **VOLUME**

The cubic feet of a building or structure or portion that is required to have a fee that is calculated by cubic feet, such as but not limited to: a new building or an addition to an existing building. The volume shall be calculated in accordance with UCC section *N.J.A.C. 5:23-2.28*.

## **§ 12-1.4 Fees.**

- A. The fee for a construction permit shall be the sum of the Subcode Fees listed in paragraphs (A)1 through (4) (5) hereof and shall be paid before the permit is issued.

The breakdown of permit fees are as follows: Plan Review is 20% of total permit fee, Administration and Capital is 70% of total permit fee, and Inspections is 10% of total permit fees.

(1) The Building Subcode Fees shall be:

- (a) For new construction or additions shall be based upon the volume of the structure. Volume shall be computed in accordance with *N.J.A.C. 5:23-2.28*.

[1] The new construction fee shall be in the amount of \$ 0.038 per cubic foot of volume for buildings and structures of all groups and types of construction as classified and defined in Chapters 3 and 6, respectively, of the building subcode; Exception R-3 and R-5 detached homes will be \$ 0.030 per cubic foot.

[2] The fee shall be \$ 0.024 per cubic foot of volume for groups A-1, A-4, A-5, F-1, F2, S-1, and S-2; and 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.

[a] For purposes of calculating the volume to determine the fee for large, open-volume, single story spaces in buildings, such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural and storage-use occupancies, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet.

(b) Fees for renovations, alterations, and repairs or site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connection for premanufactured construction shall be based upon the estimated cost of work.

[1] The fee shall be in the amount of \$34.00 per \$1,000 for the first \$500,000, prorated.

[2] From \$500,001 to and including \$1,000,000, the fee shall be in the amount of \$26.00 per \$1,000 of estimated cost, prorated.

[3] Above \$1,000,000, the fee shall be in the amount of \$22.00 per \$1,000 of estimated cost, prorated.

[4] For the purpose of determining estimated cost, the applicant shall submit to the Building Department such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide Page 70 of 105 *N.J.A.C. 5:23-4.20* contractor's bid, if available, shall be submitted. The Building Department shall make the final decision regarding estimated cost.

[5] EXCEPTIONS:

(a) R-2, R-3 & R-5 shall be \$27 per \$1,000.

(b) Open decks minimum fee one hundred ten (\$110.00) dollars.

(c) R-3 & R-5 Modular Home Foundation price per \$1,000. Minimum fee two hundred-fifty (\$250.00) dollars.

(d) Roofing for R use groups Sheathing Permit seventy-five (\$75.00) dollars.

(c) Fees for additions shall be computed on the same basis as for new construction for the added portion.

(d) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance above.

(e) Tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be one hundred twenty-nine (\$129.00) dollars.

(f) Retaining walls shall be as follows:

[1] Retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be two hundred-ten (\$ 210.00) dollars.

[2] Retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be one hundred six (\$ 106.00) dollars.

[3] Newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction.

(g) Siding and reroofing, thirty (\$30.00) dollars for the first one thousand (\$1,000.00) dollars of estimated work and ten (\$10.00) dollars for each one thousand (\$1,000.00) dollars of estimated work thereafter. The minimum fee is seventy-five (\$75.00) dollars.

(h) For the construction of a swimming pool, the following fee shall apply:

[1] Residential, aboveground pools: one hundred (\$100.00) dollars.

[2] Residential, in-ground pools: two hundred (\$200.00) dollars.

[3] Commercial pools: seven hundred (\$700.00) dollars.

[4] Four-foot fence: fifty (\$50.00) dollars.

(i) Wood, pellet, coal stoves:

[1] Fee review and inspections: seventy-five (\$75.00) dollars.

[2] Chimney replacement and liners: seventy-five (\$75.00) dollars.

[3] Fireplace and chimney: ninety (\$90.00) dollars each. Includes masonry or prefabricated fireplace.

(j) Radon piping and/or mitigation is: seventy-five (\$75.00) dollars.

(k) Monopole and similar structures with footing will be four hundred fifty (\$450) dollars.

(l) The minimum fee for any item requiring a construction permit that is not provided in the Building Subcode portion of the fee schedule listed above, will be seventy-five (\$75.00) dollars.

(2) The Plumbing Subcode Fees shall be:

Plumbing fixtures shall include, but not be limited to, sinks, toilets, bathtubs, shower stalls, hose bibs, dishwashers, floor drains, stacks, and similar fixtures.

Plumbing appurtenances shall include, but not be limited to, devices, a manufactured device, or an on-the-job assembly of component parts, which is an adjunct to the basic piping system and plumbing fixtures, pressure reducing valves, back water valves, vacuum breakers, grease traps, interceptors, solar water heaters, pool entrapment prevention devices and similar devices.

Plumbing appliances shall include but not be limited to tankless heaters, heat exchangers, water storage tanks, water pressure booster systems, sump pumps, dishwashers, ice makers, instant hot water coils, sterilizers, aspirators, water-cooled air- conditioning units, water conditioners, and similar equipment.

(a) Installation or replacement of a plumbing fixture is twenty-five (\$25.00) dollars for each plumbing fixture.

(b) Installation or replacement of a plumbing appurtenance and/or special device is seventy-five (\$75.00) dollars for each plumbing appurtenance and/or special device.

(c) Backflow prevention device:

[1] The fee for backflow prevention devices that do not require ongoing inspections is thirty (\$30.00) dollars.

[2] For testable backflow prevention devices, the fee is seventy-five (\$75.00) dollars for each device, for each inspection.

(d) Installation or replacement of a plumbing appliance is seventy-five (\$75.00) dollars.

EXCEPTION: When installed in use group R-3, R-4, and R-5 in new construction or a complete renovation, the fee for dishwashers, ice makers, instant hot water coil is twenty (\$20.00) dollars.

(e) Installation of a house or building sewer and/or water service connection pipe is sixty-five (\$65.00) dollars.

(f) Installation of a lawn sprinkler system is five (\$5.00) dollars for each sprinkler head.

(g) Installation or replacement of subsoil drains is twenty-five (\$25.00) dollars.

(h) Removal or abandonment in place of a sewage disposal system and/or septic tank is seventy-five (\$75.00) dollars.

(i) Installation or replacement of roof drains and/or area drains is thirty-five (\$35.00) dollars per drain.

(j) Gas supply line piping and the required pressure test is forty-five (\$45.00) dollars.

(k) Each gas appliance connection to the gas supply line is twenty (\$20.00) dollars.

(l) Installation or replacement of oil lines and/or oil tank piping is seventy-five (\$75.00) dollars.

(m) Hot water heaters:

[1] Commercial is seventy-five (\$75.00) dollars.

[2] Residential is forty (\$40.00) dollars (new homes only).

(n) Steam/hot water boiler:

[1] Commercial is one hundred (\$100.00) dollars.

[2] Residential is seventy-five (\$75.00) dollars.

(o) Sewage ejector is forty-five (\$45.00) dollars.

(p) Liquid petroleum gas tank (propane) is:

[1] First tank is seventy-five (\$75.00) dollars.

[2] Each additional tank is twenty-five (\$25.00) dollars.

(q) Chimney liner is seventy-five (\$75.00) dollars.

(r) The minimum fee for any item requiring a construction permit that is not provided in the Plumbing Subcode portion of the fee schedule listed above, will be seventy-five (\$75.00) dollars.

(3) The Mechanical Subcode Fees shall be:

Mechanical Subcode is applicable to new and direct replacement in existing R-3 and R-5 Use Groups.

(a) HVAC, furnace, boiler and a/c is ninety (\$90.00) dollars.

(b) Combi-boiler is one hundred (\$100.00) dollars.

(c) Water heater is seventy-five (\$75.00) dollars.

(d) Generator (includes clearances) is seventy-five (\$75.00) dollars.

(e) Install of Liquid Propane Gas (LPG) or Fuel Oil Tank is seventy-five (\$75.00) dollars.

(f) Gas Log Fireplace Insert is seventy-five (\$75.00) dollars.

(g) The first mechanical item is priced as listed above. Each additional item will be twenty-five (\$25.00) dollars.

(h) The minimum fee for any item requiring a construction permit that is not provided in the Mechanical Subcode portion of the fee schedule listed above, will be seventy-five (\$75.00) dollars.

(4) The Fire Subcode Fees shall be:

(a) Gas heating (including all gas burning equipment such as furnaces, dryers, ovens, space heaters, etc., except domestic hot water heaters):

[1] Commercial or public buildings and all apartments, installation or conversion, first unit, seventy-five (\$75.00) dollars; for each additional unit, twenty-five (\$25.00) dollars.

[2] Residential building installation or conversion, first unit, fifty (\$50.00) dollars; for each additional unit, twenty-five (\$25.00) dollars.

(b) Oil (oil burning or oil storage equipment installation):

Capacity of Tank (Gallons)	Fee
0 to 999	\$75
1,000 to 2,999	\$100
3,000 to 4,999	\$150
5,000 and over	\$200

[1] For the removal of the tank, same as installation fees above.

[2] Fees for oil burning equipment shall be the same as listed for gas fired equipment.

(c) Gasoline or chemical storage tanks:

[1] Inground, 0-5,000 gallons: three hundred fifty (\$350.00) dollars.

[2] Inground, over 5,000 gallons: five hundred (\$500.00) dollars.

[3] Aboveground, 0-5,000 gallons: three hundred fifty (\$350.00) dollars.

[4] Aboveground, over 5,000 gallons: five hundred (\$500.00) dollars.

(d) Sprinkler systems:

[1] The fee shall be as follows:

No. of sprinkler heads	Fee
1 to 25	\$75
26 to 150	\$165
151 to 300	\$315
Over 300	\$450



Plus \$2 per head in excess of 300	
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[2] Backflow preventor: seventy-five (\$75.00) dollars each.

[3] For hydraulically designed systems, multiply the above fees by two (2). Standpipes using the same supply as the automatic sprinklers are included in the fee.

[4] Central stations including smoke detectors and alarm systems is one hundred fifty (\$150.00) dollars.

[5] Smoke and carbon monoxide detectors for residential are twelve (\$12.00) dollars per detector. Minimum fee is seventy-five (\$75.00) dollars.

[6] Fire or kitchen exhaust systems:

[a] Residential sixty-five (\$65.00) dollars each.

[b] Commercial: one hundred seventy-five (\$175.00) dollars each.

(e) Standpipe systems: two hundred twenty-nine (\$229.00) dollars.

(f) Alarm signaling devices:

[1] The first 1-20 Units will be one hundred twenty-five (\$125) dollars.

[2] For each 25 signaling devices in addition to this, the fee shall be in the amount of seventy-five (\$75) dollars.

(g) Door locking systems (Electromagnetic, Delayed Egress and Stairways): one hundred (\$100.00) dollars.

(h) Smoke Control Systems: one hundred seventy-five (\$175.00) dollars.

(i) Fire service per line (wet and dry) and hydrants: seventy-five (\$75.00) each.

(j) Fire Pumps: one hundred fifty (\$150.00) dollars each.

(k) The minimum fee for any item requiring a construction permit that is not provided in the Fire Subcode portion of the fee schedule listed above, is seventy-five (\$75.00) dollars.

(5) The Electrical Subcode Fees shall be:

(a) Electrical fixtures and devices:

[1] For from one (1) to twenty-five (25) fixtures or devices: fifty (\$50.00) dollars.

[2] For each twenty-five (25) fixtures or devices in addition to the first twenty-five (25): twenty (\$20) dollars.

[3] For the purpose of computing this fee, fixtures or devices shall include lighting outlets, wall switches, fluorescent fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one (1) horsepower or one (1) kilowatt.

(b) Motors:

[1] One (1) to ten (10) horsepower: sixty-five (\$65.00) dollars.

[2] Eleven (11) to fifty (50) horsepower: seventy-five (\$75.00) dollars.

[3] Fifty-one (51) to one hundred (100) horsepower: one hundred twenty-five (\$125.00) dollars.

[4] One hundred one (101) horsepower or greater: four hundred fifty-seven (\$457.00) dollars.

(c) Electrical devices, transformers, generators:

[1] One (1) to ten (10) kilowatts: twenty (\$20.00) dollars.

[2] Eleven (11) to forty-five (45) kilowatts: forty-six (\$46.00) dollars.

[3] Forty-six (46) kilowatt and more: four hundred fifty-seven (\$457.00) dollars.

(d) Service panel, service entrance or sub panel:

[1] Zero (0) to two hundred (200) amps: one hundred (\$100.00) dollars.

[2] Two hundred one (201) to four hundred (400) amps: one hundred fifty (\$150.00) dollars.

[3] Four hundred one (401) to one thousand (1,000) amps: two hundred (\$200.00) dollars.

[4] Greater than one thousand (1,000) amps: four hundred fifty-seven (\$457.00) dollars.

[5] Motor control center: seventy-five (\$75.00) dollars.

(e) Pools:

[1] Pool with underwater lights: fifty (\$50.00) dollars.

[2] Storable pool/spa hot tub: seventy-five (\$75.00) dollars.

[3] Pool bonding: fifty (\$50.00) dollars.

[4] Pool walkway bonding (when wire mesh in concrete): fifty (\$50.00) dollars.

[5] Annual pool inspections (excluding pools located on properties containing one- and two-family dwellings): eighty-five (\$85.00) dollars.

(f) Illuminated signs: seventy-five (\$75.00) dollars.

(g) The minimum fee for any item requiring a construction permit that is not provided in the Electric Subcode portion of the fee schedule listed above, is seventy-five (\$75.00) dollars.

(6) The fee for plan review is twenty (20%) percent of the amount to be charged for the construction permit and paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of fee to be charged for the construction permit.

(7) Demolition:

(a) Demolition of a building or structure in R-3 and R-5 Use Groups: one hundred fifty (\$150.00) dollars. All other Use Groups fifteen (\$15.00) dollars per one thousand (\$1,000) dollars.

(b) Demolition of an aboveground pool: seventy-five (\$75.00) dollars.

(c) Demolition of an inground pool: one hundred (\$100.00) dollars.

(d) Demolition of a shed: thirty (\$30.00) dollars.

(8) Signs:

(a) Roof, projecting, pole sign, or billboard: two hundred (\$200.00) dollars.

(b) Flat sign and any other type: seventy-five (\$75.00) dollars.

(c) Construction signs: seventy-five (\$75.00) dollars per sign.

(9) Certificate of Occupancy:

(a) Residential: sixty-five (\$65.00) dollars.

(b) Commercial: a minimum fee of one hundred twenty-five (\$125.00) dollars up to a maximum fee of two hundred fifty (\$250.00) dollars. Fifty (\$50.00) dollars per one thousand (\$1,000.00) dollars).

[1] Continued occupancy in addition to above will be the minimum fee for each subcode inspection.

(10) Elevator Fees.

(a) Elevator safety and testing fees are those fees set forth in subchapter 5:23-12.6 of the Uniform Construction Code Act, New Jersey Administrative Code, which is herein adopted by reference and in addition to the fees specified therein, all fees

shall be paid to the Department of Elevator Safety of the Department of Community Affairs and all inspections shall be performed by the Department paid to the Township.

(11) Temporary structures. The fee for construction trailers and equipment trailers is one hundred fifty (\$150.00) dollars.

(12) Re-instatement of expired permits for Use Groups R-2 and R-5, as per specific approval of Construction Official is fifty (\$50.00) dollars per Subcode or above permit fees apply.

(13) Change of Contractor: forty (\$40.00) dollars per Subcode.

(14) Re-submission of As Built/Change: sixty-four (\$64.00) per hour. Minimum one (1) hour.

(15) Annual fees and items not addressed are to follow *State Fee Schedule 5:23-4.20*.

(16) As per the Department of Community Affairs a recovery fee for the costs associated with electronic submissions will be applied as follows and will sunset three (3) years after the adoption of this ordinance:

Residential: \$5 per permit

Commercial: \$10 per permit

**B. Surcharge Fee:** In order to provide for the training, certification, and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee in the amount set forth by the Bureau of Housing Inspections, Department of Community Affairs.

**C. Variation application** from the Construction Code requirements shall be one hundred (\$100.00) dollars for residential and three hundred (\$300.00) dollars for commercial, industrial, etc.

**D.** The fee for any construction activity not listed above shall be the published fee set by the State of New Jersey, Department of Community Affairs.

**SECTION 3.** All ordinances of the Township of Rockaway that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

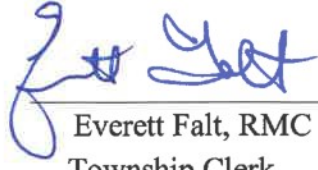
**SECTION 5.** This Ordinance shall take effect upon final passage and approval in accordance with law.

**CERTIFICATION**

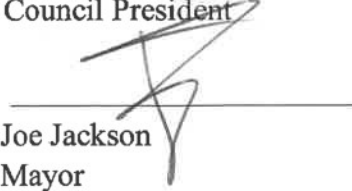
I, EVERETT FALT, DO HEREBY CERTIFY the above to be a true copy of an Ordinance adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on September 12, 2023.



Howard Kritz  
Council President



Everett Falt, RMC  
Township Clerk



Joe Jackson  
Mayor

APPROVE

VETO

(SEE ATTACHED STATEMENT)

ORDINANCE 23-22

INTRODUCED      AUGUST 8<sup>TH</sup> TOWNSHIP COUNCIL REGULAR MEETING  
MOTION            QUINN  
SECOND            SALBERG  
ROLL CALL AYE    FRIEDLANDER, NOON, SACKETT, R. BROOKES, SALBERG,  
WOJTOWICZ, QUINN, PRESIDENT KRITZ  
                      NAY    NONE

ADVERTISED      AUGUST 14, 2023

ADOPTED            SEPTEMBER 12, 2023  
MOTION            R. BROOKES  
SECOND            FRIEDLANDER  
ROLL CALL AYE    FRIEDLANDER, D. BROOKES, SACKETT, R. BROOKES, SALBERG,  
WOJTOWICZ, PRESIDENT KRITZ  
                      NAY    NONE

ADVERTISED      SEPTEMBER 18, 2023

