

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading April 20, 2020
 2nd Reading & Public Hearing May 11, 2020
 Date Adopted May 11, 2020
 Date Effective June 1, 2020
 DOT APPROVAL RECEIVED _____

Date to Mayor May 12, 2020
 Date Signed May 12, 2020
 Date Resubmitted to Council _____
 Approved as to Form and Legality _____

Township Attorney
Richard W. Herbert Esq.

2020-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82 "FEES" SECTION 82-4
 CONSTRUCTION FEES AND SECTION 82-5 – ELECTRICAL SUBCODE FEES OF THE CODE OF
 THE TOWNSHIP OF WEST WINDSOR

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
Gawas	✓						Gawas	✓					✓
Geevers	✓				✓		Geevers	✓					
Mandel	✓					✓	Mandel	✓				✓	
Manzari	✓						Manzari	✓					
Stevens	✓						Stevens	✓					

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

Rejected

Approved

Hemant Marathe
 Hemant Marathe, Mayor

May 12, 2020
 Date

Reconsidered by Council _____

Override Vote: YES _____ NO _____

Gay M. Huber
 Gay M. Huber, Township Clerk

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82 “FEES” SECTION 82-4 CONSTRUCTION FEES AND SECTION 82-5 – ELECTRICAL SUBCODE FEES OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS the Township of West Windsor adopted Chapter 82 of the Code of the Township of West Windsor (“Code”) establishing fees; and

WHEREAS, the Township performs a number of public services at substantial cost to the Township taxpayers, and

WHEREAS, the Construction Official has reviewed and requests the following changes be approved by the Township Council.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey that the following changes be made:

§ 82-4 Construction fees.

A. Construction fees shall be as follows:

Use Group	Fee
E	Volume x .04
A-1	Volume x .04
A-2	Volume x .04
A-3	Volume x .04
A-4	Volume x .04
A-5	Volume x .04
I-1	Volume x .04
I-2	Volume x .04
I-3	Volume x .04
I-4	Volume x .04
R-1	Volume x .04
R-2	Volume x .04
R-3	Volume x .04
R-4	Volume x .04
R-5	Volume x .04
H	Volume x .04
F-1	Volume x .04

Use Group	Fee
F-2	Volume x .04
B	Volume x .04
M	Volume x .04
S-1	Volume x .03 – <u>Large open volume buildings – See Section E</u>
<u>S-1 Commercial Farm Buildings</u>	<u>Volume x.01 – Not to exceed \$1800.00 – See Section E</u>
S-2	Volume x .03 – <u>Large open volume buildings – See Section E</u>
<u>S-2 Commercial Farm Buildings</u>	<u>Volume x .01 – Not to exceed \$1800.00 – See Section E</u>
U	Volume x .04

- B. Building addition: addition cubic content times unit rate equals building fee.
- C. Alterations, renovations, repairs and minor work: estimated cost per thousand times \$35. The applicant shall submit to the Division of Code Enforcement cost data by a licensed architect or engineer, qualified estimating firm or by contractor bid. The Division of Code Enforcement shall review the estimated construction cost for acceptance.
- D. Additions and renovations, alterations or repairs: combination of rates provided in Subsections B and C.
- E. 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.

[E]F. Use Group U and miscellaneous uses. Flat fees are as follows:

- (1) Swimming pools, aboveground:
 - (a) Private pool: \$100.
 - (b) Public pool: \$300.
 - (c) Hot tub/spa: \$100.
- (2) Swimming pools, in-ground:
 - (a) Private pool: \$260.
 - (b) Public pool: \$650.
- (3) Fences:
 - (a) Group R-5: \$100.
 - (b) All other groups: \$35 per \$1,000.

(4) Retaining walls:

(a) Group R-5: \$100.

(b) All other groups: \$35 per \$1,000.

[F]G. Signs.

(1) Facade skins shall be \$4 per square foot.

(2) Freestanding signs shall be \$4 per square foot for the first 100 square feet, \$3 per square foot for the next 400 square feet and \$2 per square foot thereafter.

(3) Ground signs or wall signs shall be \$3 per square foot for the first 100 square feet, \$2.10 per square foot for the next 400 square feet and \$1.40 per square foot thereafter.

[G]H. The fee for tents, in excess of 16,800 square feet or more than 140 feet in any direction, shall be \$325.

[H]I. Demolition. Flat rate depending on building class when occupied shall be as follows:

(1) Class I: \$650.

(2) Class II: \$520.

(3) Class III: \$260.

[I. Underground storage tank removal: residential: \$100. All other groups: \$325.]

J. Limited certificates of approval.

(1) Limitations.

(a) Equipment herein below listed shall be granted a certificate of approval by the appropriate subcode official or other approved agency for the duration specified herein:

1 Cross-connections/backflow preventers, 12 months: \$50.

(b) Such equipment shall be periodically re-inspected or tested in accordance with the provisions of the regulations prior to expiration of such certificate of approval and any violations corrected before a new certificate may be issued.

(c) No such system or assembly shall continue in operation unless a valid certificate of approval has been reissued. It shall be a violation of the regulations for an owner to fail to provide for such periodic inspection and testing.

(2) Revocation. The enforcing agency may revoke a certificate of approval whenever a condition of a certificate has been violated.

(3) Time limit. The provisions of the regulations do not preclude periodic certification pursuant to other applicable laws and ordinances.

K. Certificate of occupancy.

- (1) The fee shall be in the amount of 10% of the new construction permit fee. The minimum fee shall be \$165.
- (2) For one- and two-family dwellings, the minimum fee shall be \$100.
- (3) The fee for a certificate of continued occupancy shall be \$400.
- (4) The fee for a certificate of occupancy granted to a change of use group shall be \$400.
- (5) The fee for the first issuance and renewal of a temporary certificate of occupancy shall be \$35.

L. Fire protection and hazardous equipment.

- (1) Said fees shall be based upon the number of heads or detectors being installed.

**Number of Heads, Detectors
or Other Initiating Devices**

	Fee
1 to 20	
Residential	\$100
Commercial	\$165
21 to 100	\$234
101 to 200	\$448
201 to 400	\$1,160
401 to 1,000	\$1,605
Over 1,000	\$2,048

- (2) Independent pre-engineered systems (per system): \$165.
- (3) Gas- or oil-fired appliance which is not connected to the plumbing system (per appliance):
 - (a) Use group R-5: \$100.
 - (b) All other groups: \$165.
- (4) Smoke control systems, flammable combustible liquid tank or fire alarm control panel replacement (per system): \$165.
- (5) Kitchen exhaust system (per system):
 - (a) Use group R-5: \$100.
 - (b) All other groups: \$165.

(6) Supervisory devices: \$100.

(7) Signaling devices: \$165.

(8) Engineered suppressions pre-action systems, or dry pipe/alarm valves: \$165.

(9) Underground storage tank removal:

(a) Group R-5: \$100

(b) All other use groups: \$35

(10) Above ground flammable combustible liquid tank removal/installation:

(a) Group R-5 \$100

(b) All other use groups: \$165

(11) Wood, coal or solid-fuel burning appliances: \$125

(12) Spray booths, spaces or rooms – flat fee per room, space or booth: \$325

(13) Fireplace venting/metal chimney (each): \$75

M. Standpipe, hydrant or fire pump (each): \$325.

N. Underground water service for protection.

(1) One foot to 500 feet of pipe: \$400.

(2) Each additional 100 feet of pipe: \$100.

O. Roofing and siding. [Amended 6-24-2019 by Ord. No. 2019-19]

(1) Roofing: [**\$100 Group R-5; (townhouse and duplex structures only); all other groups \$35 per \$1,000.**]

(a) Group R-5: \$100 (Townhouse and duplex structures only)

(b) All other use groups: \$35 per \$1,000

(2) Siding: [**\$100 Group R-5; (polypropylene siding only); all other groups \$35 per \$1,000.**]

(a) Group R-5: \$100 (Polypropylene siding only)

(b) All other use groups: \$35 per \$1,000

P. Administrative fees for asbestos hazard abatement.

(1) An administrative fee of \$118 for each construction permit issued for an asbestos hazard abatement project.

(2) An administrative fee of \$24 for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project.

Q. Lead abatement.

(1) The fee for a permit for lead hazard abatement work shall be \$196.

(2) The fee for a lead abatement clearance certificate shall be \$39.

R. The fee of \$65 per hour or part thereof shall be charged for all plan review revisions. Said fee shall be remitted to the Township of West Windsor at the time of revision. No revision shall be released until payment is received by the Township.

S. **[The] [c]Change of contractor, [fee shall be \$100 for group R-5; all other use groups: \$165 per contractor.] [Amended 6-24-2019 by Ord. No. 2019-19]**

(1) Group R-5: \$100

(2) All other use groups: \$165 per contractor

T. Variation.

(1) Group R-5: \$150.

(2) All other groups: \$500.

(3) Resubmissions, residential: \$65.

(4) Resubmissions, all others: \$200.

U. Plumbing. **[Amended 6-24-2019 by Ord. No. 2019-19]**

(1) Fees shall be \$35 for each fixture, appliance, appurtenance, vent or stack, but may not be all inclusive: Water closets, urinals, bidets, lavatories, sinks, garbage disposals, bathtubs, showers, floor drains, washing machines, dishwashers, hose bibs, drinking fountains, roof drains, leaders, non-testable backflow preventers, air admittance valves, vents, stacks, water hammer arrestors water filters, indirect connections, expansion tanks, trap primers, mixing valves for lavatories, swimming pool piping. Gas pipe connections, oil pipe connections, fuel oil connections, Air conditioning units, condensate pumps and line sets.

(2) Fees shall be \$60 for each of the following items, but may not be all inclusive: Water heater, water softener, swimming pool heaters, chimney liners, air distribution systems, solar systems.

(3) Fees shall be \$85 for each of the following items, but may not be all inclusive: Hot air furnaces, hot water boiler, fuel oil equipment, hydronic systems, solar heating systems, split systems.

(4) Fees shall be \$100 for each of the following items, but may not be all inclusive: Water service connections, sewer connections, generators, permanent LPG tanks.

(5) Fees shall be \$135 for each of the following items, but may not be all inclusive: Sewer ejectors, grease

interceptors, oil interceptors, testable backflow device, pumps, commercial-industrial water heaters, commercial rooftop air-conditioning units, commercial refrigeration piping/systems, commercial solar system.

- (6) Yearly backflow testing fee shall be \$50.
- (7) Notwithstanding the individual fee set forth above, the total plumbing subcode fee for a single-family residence[s] shall be \$100 and the minimum total fee for all other structures shall be \$165.
- (8) All plumbing installation shall be installed by a New Jersey State licensed master plumber; except in the case of single-family residences, a homeowner shall be allowed to perform his/her own plumbing work on their own dwelling unit.

V. Mechanical fees. **[Amended 6-24-2019 by Ord. No. 2019-19]**

- (1) Fees shall be as follows for R3 and R5 under the responsibility of the Plumbing Subcode Official:
 - (a) The fee shall be \$85 for each of the following items, but may not be all inclusive; Hot air furnace, hot water boiler, fuel oil equipment, steam boiler, oil tank, solar heating systems, hydronic systems and split systems.
 - (b) The fee shall be \$60 for each of the following items, but may not be all inclusive: Water heater, chimney liner and air distribution systems.
 - (c) The fee shall be \$35 for each of the following items, but may not be all inclusive; Each gas pipe connection, each temporary LPG tank, each fuel oil connection, air-conditioning unit, coils, condensate pumps, refrigerant lines, fireplace inserts, and combustion air.
- (2) All mechanical installations shall be installed by a New Jersey State licensed master HVACR contractor, except in the case of a single-family residence which is owned and occupied by the homeowner, in which the homeowner shall be allowed to perform their own work on their own dwelling. Except for refrigeration piping and chimney verification forms may not be done by the homeowner.

W. Technical section. The minimum fee for a technical section shall be as follows:

- (1) Group R-5 use: \$100.
- (2) All other groups: \$165.

X. Plan review. The plan review fee shall be 5% of the total of the building, electric, plumbing and fire fees.

Y. State of New Jersey training. In order to provide for the training and certification and technical support programs required by the State Uniform Construction Code Act, the enforcing agency, including the Division of Code Enforcement when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. The fee shall be in the amount of \$0.00371 per cubic foot volume of new construction and additions. The fee for all other construction shall be \$1.90 per \$1,000 of cost. The minimum permit surcharge shall be \$1. (Elevators, lead and

asbestos per state fee schedule)

Z. Annual construction permit. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building, fire protection, electrical and plumbing. Fees shall be as follows: per state fee schedule.

AA. Contractor registration: The fee shall be \$125 for a three-year term (commercial contractor's license only). **[Amended 6-24-2019 by Ord. No. 2019-19]**

BB. Waiver of construction permit fees.

- (1) No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure or any of the facilities contained herein.
- (2) A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit.
- (3) "Disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include but not be limited to any resident of this state who is disabled pursuant to the federal Social Security Act (42 U.S.C. § 416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.) or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

CC. Penalties. Penalties may be levied by an enforcing agency as follows:

- (1) Up to \$1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation;
- (2) Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;
- (3) Up to \$2,000 per violation for failure to comply with a stop construction order;
- (4) Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;
- (5) Up to \$500 per violation for any violation not covered under Subsection CC (1) through (4) above.

- (6) For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.
- (7) All monies collected shall be collected under penalty provisions of the UCC. All penalties collected shall be retained by the **[Department]**Division of Code Enforcement and shall be placed in a special trust fund to be applied to the cost to the **[department]**division for training, technical support programs, certification, new equipment and transportation. An independent fund shall be set up and retained by the Director of Finance to be the trustee of this account.

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82-5 Electrical subcode fees.

[Amended 3-22-2004 by Ord. No. 2004-08; 12-8-2008 by Ord. No. 2008-48; 3-27-2017 by Ord. No. 2017-09]

Electrical subcode fees shall be as follows:

A. Electrical fixtures and devices. **[Amended 6-24-2019 by Ord. No. 2019-20]**

(1) Fees.

(a) From one to 40 receptacles, fixtures or switches: \$90.

(b) Increments of 25 additional items: \$65.

(c) Residential garbage disposals: \$25.

(d) Residential heaters, boilers, etc.: \$25.

(e) Floor heat: \$25.

(f) Heated towel bars: \$25.

(g) Residential sump pumps: \$25.

(h) Residential dishwashers: \$25.

(i) Sewer ejector pump: \$25.

[(j) Signs:]

[1] [First sign: \$165.]

[2] [Each additional sign: \$80.]

[(k)](j) Closed-circuit TV and intercom:

1 Up to five: \$165.

2 Five to[25]twenty-five cameras or intercoms additional: \$195.

3 Twenty-six or more additional cameras or intercoms: \$260.

B. Card reader mag locks:

(1) First door: \$165.

(2) Each additional door: \$30.

C. Motors, variable frequency drives (VFD's) and control systems. [Amended 6-24-2019 by Ord. No. 2019-20]

(1) Greater than 1/2 hp or less than or equal to 10 hp: \$25.

(2) Greater than 10 hp or less than or equal to 50 hp: \$125.

(3) Greater than 50 hp or less than or equal to 100 hp: \$200.

(4) Greater than 100 hp: \$500.

D. Electrical devices: transformers and generators.

(1) Greater than 1 kw or less than or equal to 10 kw: \$75.

(2) Greater than 10 kw or less than or equal to 45 kw: \$100.

(3) Greater than 45 kw or less than or equal to 112.5 kw: \$300.

(4) Greater than 112.5 kw: \$500.

E. Service equipment. Term includes service panel, service entrance and subpanels.

(1) Each equipment piece priced as follows:

(a) Greater than 0 amp, less than or equal to 200 amps: \$80.

(b) Greater than 200 amps, less than or equal to 1,000 amps: \$350.

(c) Greater than 1,000 amps: \$1,000.

(d) Service equipment: fees for transfer switches equal to service as above.

F. Temporary pole/construction service: \$125.

G. Pools.

(1) Residential: permanently installed pools, in-ground or aboveground, including hot tub/spa, fountains (each): \$125.

(2) Public: for fees, apply Subsections A, C and E.

- (a) If applicable, underwater light (each): \$30.
- (b) If applicable, panel board (each): \$80.
- (c) Annual pool inspection: \$130.
- H. Light standards exceeding eight feet in height (each): \$75.
- I. Light standards less than eight feet in height: refer to item Subsection A.
- J. Smoke detectors, heat detectors, fire and burglar alarm expansion modules: **[Amended 6-24-2019 by Ord. No. 2019-20]**
 - (1) Group R-5 flat rate: \$55.
 - (2) All other groups:
 - (a) One to ~~[20]~~twenty: \$200 each.
 - (b) Each ~~[25]~~twenty-five additional: \$100.
 - (3) Electrically operated fire dampers (each): \$25.
- K. Commercial alarm control unit: \$150. **[Amended 6-24-2019 by Ord. No. 2019-20]**
[(1) Note: price does not include devices; refer to item Subsection A.]
[(a) For smoke and heat detectors; refer to item Subsection J.]
[(2)](1) Communications EF, MDF, IDF, TL: \$125.
- L. Commercial lighting control panels (each): \$80. **[Amended 6-24-2019 by Ord. No. 2019-20]**
- M. Commercial building automation systems and satellite systems (each) \$165. **[Added 6-24-2019 by Ord. No. 2019-20]**
- N. Signs.
 - (1) First sign: \$165
 - (2) Each additional sign: \$80
- [N]O. Penalties. Penalties may be levied by an enforcing agency as follows: [Amended 6-24-2019 by Ord. No. 2019-20]**
 - (1) Up to \$1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation;
 - (2) Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;

- (3) Up to \$2,000 per violation for failure to comply with a stop construction order;
- (4) Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;
- (5) Up to \$500 per violation for any violation not covered under Subsection [N]O(1) through (4) above.
- (6) For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.
- (7) All monies collected shall be collected under penalty provisions of the UCC. All penalties collected shall be retained by the **[Department]**Division of Code Enforcement and shall be placed in a special trust fund to be applied to the cost to the **[department]**division for training, technical support programs, certification, new equipment and transportation. An independent fund shall be set up and retained by the Director of Finance to be the Trustee of this account.

This ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever, is applicable, and publication according to law.

INTRODUCTION: April 20, 2020

PUBLIC HEARING: May 11, 2020

ADOPTION: May 11, 2020

MAYOR APPROVAL: May 12, 2020

EFFECTIVE DATE: June 1, 2020