

ORDINANCE #9-2021

AN ORDINANCE REPEALING CHAPTER 41, CONSTRUCTION CODE, UNIFORM AND ADOPTING A NEW CHAPTER 41, CONSTRUCTION CODE, UNIFORM OF THE BOROUGH OF CLAYTON

BE IT ORDAINED by the Mayor and Council of the Borough of Clayton, County of Gloucester, State of New Jersey, that Chapter 41 be and is hereby repealed and a new Chapter 41, Construction Code, Uniform, be adopted as follows:

Article I Enforcement and Fees

Schedule 1. Enforcing Agency established.

- A. There is hereby established in the Borough of Clayton, in the County of Gloucester, a State Uniform Construction Code enforcing agency to be known as the "Clayton Borough Construction Code Enforcing Agency," consisting of a Construction Official, Building Subcode Official, Plumbing 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.
- B. Each official position created in Subsection A hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c. 217, as amended, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, c. 217 and N.J.A.C. 5:23 to hold each such position.
- C. The public shall have the right to do business with the Enforcing Agency at one location except for emergencies and unforeseen or unavoidable circumstances.

Schedule 2. Fees.

The fee for a construction permit shall be the sum of the subcode fees listed in Subsections A through E hereof and shall be paid before the permit is issued.

A. The building subcode fees shall be:

- (1) For new construction: \$0.038 per cubic foot of building or structure volume provided that the minimum fee shall be \$200.

EXCEPTION: Exception to such minimum charge shall apply to small sheds (over 200 square feet), residential garages not insulated and other small uninsulated accessory structures on residential properties, as determined by the Construction Official. The minimum fee shall be \$95.

- (2) For renovations, alterations or repairs: \$34.00 per \$1,000 for the first \$50,000 of estimated cost. From \$50,001 to and including \$100,000, the fee on the amount exceeding \$50,000 shall be in the amount of \$26.00 per \$1,000 of estimated cost. Above \$100,000, the fee on the amount exceeding \$100,000 shall be in the amount of \$22.00 per \$1,000 of estimated cost. . In all cases the minimum fee shall be \$90.
- (3) For additions: \$0.038 per cubic foot of building or structure volume provided that the minimum fee shall be \$200.
- (4) For combinations or renovations and additions: the sum of the fee computed separately for renovations and for additions.
- (5) For construction, addition or alteration of a building (excluding farmhouses) which is utilized for active commercial farming purposes and is located on property which is subject to farmland assessment: \$0.006 per cubic foot of building or structure volume provided that the minimum fee shall be \$90.
- (6) Modular and manufactured home installation: fees shall be based upon estimated cost of work, \$40 per \$1,000 of cost. ("Work" to be defined as installation of home, basements, porches, carports, garages.) Minimum charge of \$350. Includes electric, plumbing, and fire hookup cost.
- (7) The fee for the construction or installation of an aboveground swimming pool shall be \$100 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$75. The fee for the construction or installation of an in-ground swimming pool shall be \$300 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$200. For repairs of a swimming pool: aboveground, \$100; in-ground, \$200; spa, hot tub, \$50.
- (8) For construction or installation of any type of an energy producing windmill: \$75.
- (9) For installation or replacement of roofing and siding (other than one- and two-family dwellings): \$34.00 per \$1,000 for the first \$50,000 of estimated cost.

From \$50,001 to and including \$100,000, the fee on the amount exceeding \$50,000 shall be in the amount of \$26.00 per \$1,000 of estimated cost. Above \$100,000, the fee on the amount exceeding \$100,000 shall be in the amount of \$22.00 per \$1,000 of estimated cost. In all cases, the minimum fee shall be \$90.

- (10) For installation of a fireplace: \$75.
- (11) For installation of a woodburning stove or chimney flue liner: \$75.
- (12) For installation or replacement of retaining walls:
 - (a) The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$150;
 - (b) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$75;
 - (c) The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction.

- B. The plumbing subcode fees shall be as follows and shall be paid before inspection is made. For each plumbing application, a minimum fee shall be \$90. Additional fees shall apply to the following devices:

Device	Fee
Water closet	\$15
Urinal/bidet	\$15
Bathtub	\$15
Lavatory	\$15
Shower	\$15
Floor drains	\$15
Sink	\$15
Dishwasher	\$15
Drinking fountain	\$15
Washing machines	\$15
Hose bib	\$15
Condensate drains	\$15
Water heater	\$15
Steam boiler	\$91
Hot water boiler	\$91
Sewer pump	\$91
Interceptor/separator	\$91
Backflow device	\$91
Grease trap	\$91
Water-cooled A/C refrigeration unit	\$91

Device	Fee
Sewer connection	\$91
Water connection	\$91
L.P. cylinders and piping	\$91
Booster pumps	\$91
Testing of backflow preventers	\$91
Oil piping	\$65
Gas piping	\$65
Lawn sprinkler (backflow preventer)	\$75
Stacks	\$15
Swimming pool entrapment protection	\$70

C. Mechanical subcode fees shall only be applicable to the R-3, R-4 and R-5 Use Groups, and shall be charged as follows:

- (1) The fee for the **replacement of an individual fuel-fired mechanical device** shall be a minimum fee for the first device of \$60, and \$30 for each additional device and shall include inspection for required combustion air.
- (2) No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspection.
- (3) A flat fee in the sum of \$120 shall be charged for each **new or replacement complete HVAC system installation**, consisting of a furnace, compressor, a-coil, drip pan, condensate pump or discharge line, humidifier, combustion air, or any combination thereof.
- (4) A flat fee in the sum of \$100 shall be charged for each new fuel-fired generator installation.

D. Fire protection subcode. The minimum fee for a permit shall be \$90. Permit fees for fire protection devices shall be as follows:

- (1) Sprinkler systems, all types:
 - (a) One to 20 heads: \$91.
 - (b) Twenty-one to 100 heads: \$168.
 - (c) One hundred one to 200 heads: \$321.00
 - (d) Two hundred one to 400 heads: \$831.
 - (e) Four hundred one to 1,000 heads - \$1,150 .

- (f) Over 1,000 heads: \$1,469
- (2) Stand pipes:
 - (a) To 50 feet of pipe: \$100.
 - (b) Fifty-one to 100 feet of pipe: \$175.
 - (c) One hundred one plus feet of pipe, additional: \$50 per 100 feet.
- (3) Special suppression systems:
 - (a) Carbon dioxide system:
 - [1] One to 75 pounds of agent: \$60.
 - [2] Seventy-six pounds plus: \$85.
 - (b) Dry chemical or comparable systems, per 50 pounds: \$40.
 - (c) Halogenated or clean agent systems:
 - [1] One to 35 pounds of agent: \$60.
 - [2] Thirty-six pounds plus: \$95.
 - (d) Wet chemical suppression systems:
 - [1] To 25 gallons: \$60.
 - [2] Twenty-six plus gallons: \$95.
- (4) Commercial kitchen hood exhaust systems. Fee shall be \$65 per unit. The minimum fee shall be \$90.
- (5) Fuel-fired equipment, including heat-producing devices, other than in Use Groups R-3, R-4 and R-5, shall be \$30 per \$1,000 of estimated cost of work (material and labor). The minimum fee shall be \$90.
- (6) Alarms. Smoke detectors, heat detectors, bells, pull stations and all other sounding devices. The minimum fee shall be \$90.
 - (a) Fee, Residential R-3, R-4: \$5 each unit.
 - (b) All other groups:

Number of Detectors	Fee
1 to 20	\$75
21 to 200	\$100
201 to 400	\$150
400 plus	\$50 addition

- (7) Flammable/combustible tanks. Residential: \$40. All other uses \$10 per \$1,000 costs. The minimum fee shall be \$90.

E. The electrical subcode inspection fee shall be as follows and shall be paid before inspection is made. For each electrical application, a minimum fee shall be \$90.

- (1) Wiring and fixtures. All switches, receptacles and lighting outlets, detectors F.H.P. motors, emergency and exits, etc., to be counted as outlets.
 - (a) One to 50: \$45.
 - (b) For each additional 25 outlets or fraction (increments of 25): \$15.
- (2) Vapor lamps and mogul sockets 300 watts and over:
 - (a) Interior or exterior wall or ceiling mounted:
 - [1] One to five: \$45.
 - [2] Each additional one: \$8.
 - (b) Exterior lights standards, etc.:
 - [1] Poles one to five (two inspections required): \$65.
 - [2] Each additional one: \$8.
- (3) Swimming pools:
 - (a) Aboveground and spas: \$100.
 - (b) In-ground (three inspections required): \$200.
 - (c) Electric pool heaters: \$45.
 - (d) Installation and fees for any items not listed, minimum fee: \$90.
 - (e) Water softeners, water fountains, spa hot tubs, hydro-massage

bathtubs, therapeutic pools: \$50.

- (4) Residential electric ranges, hot water heaters, welders, clothes dryers and similar devices:

- (a) For each outlet for single unit of 20 KW or less: \$35.
- (b) Each additional unit: \$12.
- (c) Dishwashers, garbage disposal and trash compactors: \$12.

- (5) Heat pumps, air handlers, air-conditioning compressor/condenser, and furnaces: \$35; each additional one, \$12.

- (6) Paddle fans: Fixture Schedule in Subsection E(1).

- (7) Bath fans: Fixture Schedule in Subsection E(1).

- (8) Well pumps: \$12.

- (9) Electric baseboard:

- (a) One to five: \$45.
- (b) Each additional unit (per baseboard): \$8.
- (c) Oil or gas furnaces, residential: \$12.

- (10) Motor-driven equipment: apply Motor Schedule.

- (11) Motors:

Horsepower or Kilowatt	Fee
-1 to 10 HP or KW, each	\$45
-11 to 30 HP or KW, each	\$60
-31 to 45 HP	\$80
-46 to 100 HP	\$300
-101 HP and up	\$500

- (12) Motor control centers:

Amperes	Fee
0 to 100	\$45
101 to 400	\$90
401 to 600	\$125
601 to 1,000	\$250

Amperes	Fee
1,001 to 2,000	\$350
2,001 and up	\$450

- (13) Feeders (relocated, replacement, added to or original equipment): apply Service Equipment Schedule.

- (14) Service and meter equipment and subpanels (relocated, replacement, added to, or original equipment installations):

Amperes	Fee
0 to 100	\$50
101 to 200	\$60
201 to 400	\$175
401 to 600	\$275
601 to 1,000	\$475
1,000 and up	\$625

- (15) Capacitors:

- (a) One unit: \$25.
- (b) Each additional unit: \$5.
- (c) Group capacitors: change as per Motor Schedule. Note: Motors equipped with capacitors during original installation, no charge.

- (16) Transformers vaults - outdoors - enclosures, generators, outdoor substations:

Kilowatt or Kilovolt Ampere	Fee
1 to 10 KW (KVA)	\$45
11 to 30 KW (KVA)	\$55
31 to 45 KW (KVA)	\$85
46 to 100 KW (KVA)	\$275
101 and up KW (KVA)	\$550

- (17) The fee for a permit to construct an electric sign, billboard, etc. shall be as follows:

- (a) Fees for pylon 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;
- (b) Fees for ground signs or wall signs shall be \$2 per square foot for the first

100 square feet, \$1.50 per square foot for the next 400 square feet and \$1 per square foot thereafter;

- (c) The minimum fee shall be \$90.
 - (18) Annual inspection of public swimming pools, spas and hot tubs as required under N.J.A.C. 5:23-4.18(1): \$100.
 - (19) Protective signaling devices:
 - (a) Fire alarm system, burglar alarm system: \$25.
 - (b) Smoke detector for R-3, each: \$3.
 - (c) Smoke detector for commercial uses and industrial uses, each: \$3.
 - (20) Commercial refrigeration, etc., walk-in units: apply Motor Schedule:
 - (a) Display and storage units, each: \$40.
 - (b) Additional, each: \$5.
 - (21) Electrical power and controls for life support equipment:
 - (a) Emergency backup power: apply Motor and Generator Schedule.
 - (b) Controls: apply Panel Schedule.
 - (c) All others: apply Fire Subcode Schedule.
- F. The fees for permits, certificates, special and miscellaneous service not hereinbefore provided for shall be as follows and shall be paid before the permit or certificate is issued and before the service is performed:
- (1) For a permit for demolition of a one-family or two-family residence: \$100.
 - (2) For a permit for demolition of a shed or garage: \$75.
 - (3) For a permit for demolition of any other building or structure not provided for by Subsection **F(1)** or **(2)** set forth above: \$200.
 - (4) For a permit for a tank removal for a residential structure: \$75. All other use groups up to 2,000 gallons: \$100.
 - (5) For a permit for removal of a building or structure from one lot to another or to a

new location on the same lot shall be the sum of all the subcode fees for new construction listed in § 97-2A, B and C of this chapter and shall be paid before the permit is issued.

- (6) A permit shall be required for all signs: \$40 up to \$500 costs and \$75 over \$500 costs. However, no permit is required for a freestanding, ground surface sign supported by uprights or braces, not served by electricity, and not having dimensions in excess of 25 square feet in surface area and not more than six feet above the ground (mounted height).
- (7) For a certificate of occupancy for a newly constructed building or structure, the fee shall be 5% of the total fees, provided that the minimum shall be \$25.
- (8) The fee for a certificate of continued occupancy (no change of occupancy or use, however, improvements were conducted without a permit obtained by previous owner) shall be as follows:
 - (a) In excess of 300 square feet: \$200.
 - (b) Up to 300 square feet: \$100.
- (9) The fee for a reinspection (must be conducted within 60 days of initial inspection) for a commercial or industrial structure is as follows:
 - (a) In excess of 300 square feet: \$100.
 - (b) Up to 300 square feet: \$50.
- (10) The fee for a reinspection (must be conducted within 60 days of initial inspection) for a residential structure is \$50.
- (11) The fee for reinstatement of a lapsed permit shall be 20% of the cost of the original permit or \$25, whichever is greater.
- (12) The fee for first issuance and the renewal of a temporary certificate of occupancy shall be \$30. Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy provided that the certificate of occupancy fee is paid at that time.
- (13) Asbestos. An administrative fee of \$70 for each construction permit issued for an asbestos hazard abatement project.
 - (a) An administrative fee of \$14 for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement

project.

- (14) The fee for plan review of new construction, including additions and major alterations, shall be 20% of the construction permit amount, which shall be credited on the amount of the fee charged for the construction permit. The plan review fee shall not be refundable.
- (15) For plans already reviewed, those plans processed as prototype, there will be a discount of 10% of the construction permit fee. Said prototype plan approvals shall be valid for the purpose of applying for the construction permit until six months after the adoption of the addition of the code as set forth in N.J.A.C. 5:23-1.6(b). When submitting under prototype plan review, the Construction Code Office must be informed prior to plan review.
- (16) Code variation: A fee of \$50 shall be charged for an application for a variation to the code.
- (17) On-going inspection: state guidelines as published in UCC of N.J.A.C. 5:23 et seq.
- (18) Elevator: As established by N.J.A.C. 5:23 et seq.
- (19) If fee is not listed for specific items the Construction Official and appropriate Subcode Official will set the fee.
- (20) In order for the training certification and technical support program required by the Uniform Construction Code Act, the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee as specified in N.J.A.C. 5:23 et seq. Said surcharge fee shall be remitted to the Department of Community Affairs Enforcing Office on a quarterly basis.
- (21) Photovoltaic solar panel systems:
 - (a) Electrical flat fee, each: \$200 for under 10KW, over 10KW: \$300, over 20KW to 30KW: \$400. See Solar Fees.
 - (b) Building flat fee, each: \$200.
 - (c) System greater than 100 kilowatts shall be, building flat fee: \$400.
 - (d) System greater than 100 kilowatts shall be, electrical flat fee: \$400.
 - (e) Solar farms priced as per fixtures.
- (22) Any item not listed herein. \$75.

Schedule 3. Biannual report.

The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Township Committee biannually 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.

Schedule 4. 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 of \$0.0006 per cubic foot of volume of new construction. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarter ending September 30, December 31, March 31, and June 30, and not later than one month next succeeding the end of the quarter for which it is due. In the fiscal year in which the regulations first become effective, said fee shall be collected and remitted for the third and fourth quarters only.

Schedule 5. Reporting of surcharge fee collected.

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 the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, said report shall be for the third and fourth quarters only.

Schedule 6. Violations and penalties.

- A. Any person or corporation, including an officer, director or employee of a corporation, who violates any of the provisions of this article; constructs a structure or building in violation of a condition of a building permit; fails to comply with any order issued by the Borough of Clayton Construction Code Enforcing Agency; makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to the Borough of Clayton Construction Code Enforcing Agency shall be subject to the penalties provided by the Uniform Construction Code Act, N.J.S.A. 52:27D-138.
- B. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to the provisions of this article or the State Uniform Construction Code Act (c. 217, P.L. 1975) or who unreasonably interferes with such an inspection shall be subject to the penalties provided by the Uniform Construction Code Act, N.J.S.A. 52:27D-138.
- C. With respect to Subsection A(3) of this section, a person shall be guilty of a separate offense for each day that he fails to comply with a stop-construction order validly issued by said Enforcing Agency and for each week that he fails to comply with any other order validly issued by said Enforcing Agency. With respect to Subsections A(1) and (4) of this section, a person shall be guilty of a separate offense for each violation of any provision of this article and for each false or misleading written statement or omission of required

information or statement made in any application or request for approval to said Enforcing Agency. With respect to Subsection A(2) of this section, a person shall be guilty of a separate offense for each violation of the conditions of a construction permit.

- D. The penalties pursuant to this section may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.) by suit instituted in any court of competent jurisdiction, including Municipal Magistrates Courts as authorized and provided for by the State Uniform Construction Code Act Section 20(d), c. 217, P.L. 1975.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon formal approval by the Clayton Borough Council and publication as required by law.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Borough Clerk

NOTICE OF ADOPTION

ORDINANCE #9-2021

**AN ORDINANCE REPEALING CHAPTER 41, CONSTRUCTION CODE, UNIFORM
AND ADOPTING A NEW CHAPTER 41, CONSTRUCTION CODE, UNIFORM OF
THE BOROUGH OF CLAYTON**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on May 13, 2021.

Christine Newcomb
Borough Clerk

**ORDINANCE 9-2021
BOROUGH OF CLAYTON
GLOUCESTER COUNTY, NEW JERSEY**

**AN ORDINANCE REPEALING CHAPTER 41, CONSTRUCTION CODE, UNIFORM
AND ADOPTING A NEW CHAPTER 41, CONSTRUCTION CODE, UNIFORM OF
THE BOROUGH OF CLAYTON**

This Ordinance was introduced at a meeting held on the 22nd day of April, 2021. It is scheduled for a public hearing and final adoption at a meeting of the Mayor and Council of the Borough of Clayton beginning at 6:30 p.m. on the 13th day of May, 2021, at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey.

The purpose of this Ordinance is to repeal Chapter 41, Construction Code Uniform and adopting a new Chapter 41, Construction Code, Uniform of the Code Book of the Borough of Clayton.

A copy of this Ordinance can be obtained without any cost, by any member of the general public in the Borough Clerk's office within the Borough of Clayton in the Municipal Building, 125 North Delsea Drive, Clayton, New Jersey.

Christine Newcomb, Municipal Clerk
Borough of Clayton