

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**ORDINANCE**

**ORDINANCE NO. 004-2013**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER X OF THE CODE OF UPPER TOWNSHIP WHICH CHANGES  
FEES CHARGED AND COLLECTED BY THE TOWNSHIP CONSTRUCTION  
OFFICIAL AND SUBCODE OFFICIALS**

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**BE IT ORDAINED** by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

**SECTION 1.** Chapter 10 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

**10-1.3 Fees.** The fees to be charged and collected by the Construction Official of the Township, as well as the subcode officials of the Township, shall be as follows:

a. *Special Permit Fees.*

1. Demolition Fees. The fee for a demolition or removal permit shall be \$62.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one or two family residences (use group R-5 of the building subcode), and structures on farms including commercial farm buildings under N.J.A.C. 5:23-3.2(d), and \$92.00 for all other use groups.
2. Sign Permits. The fee for a permit to construct a sign shall be in the amount of \$1.80 per square foot of surface area of the sign, computed on one side only for a double faced sign. The minimum permit fee for a sign shall be \$62.00.
3. Swimming Pool Permits. The building subcode fee for a swimming pool shall be \$270.00 for an inground pool.

The building subcode fee for an above ground pool shall be \$124.00.

4. Mechanical Fee. Fees charged for a Mechanical Permit for work covered under N.J.A.C. 5:23-3.4(c) shall be \$90.00 for the first device and \$28.00 for each additional device. Note that Mechanical Permits are only allowed for work on R-3, R-4 and R-5 structures.
  5. Periodic Inspections. For cross connection and back-flow preventers that are subject to testing, requiring a reinspection every three months, the fee shall be \$90.00 for each device when they are tested (thrice annually) and \$220.00 for each device when they are broken down and tested (once annually).
  6. Variation. The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$760.00 for Class I structures and \$75.00 for Class II and Class III structures. The fee for resubmission of an application for a variation shall be \$250.00 for Class I and \$40.00 for Class II and Class III structures.
  7. New Jersey State Permit Surcharge Fee. The New Jersey State permit surcharge fee that is collected by this agency for the State is to be the current fee mandated by N.J.A.C. 5:23-4.19.  
NOTE: Due to the limitations of the Department of Community Affairs' computer program, Upper Township is forced to round off all permit and surcharge fees to the nearest whole dollar.
- b. *Exempt-Nonprofit Fees.*
1. Nonprofit-exempt organizations are not exempt from New Jersey State permit surcharge fee.
  2. Exemption from Fee: The following organizations and entities shall be exempt from the payment of any fee required by this Ordinance:
    - (a) Any entity or organization specified in

N.J.S.A. 40A:12-15, as the same may be amended and supplemented from time to time;

- (b) Any entity or organization specified in N.J.S.A. 40A:12-21, as the same may be amended and supplemented from time to time; and
- (c) Any organization which is exempt from the payment of ad valorem real estate taxes.

c. *Plan Review Fees.*

1. Plan review fees are 20% of the total construction fee. Plan review fees are due either when the construction permit application is submitted or when the construction permit is issued. It is the option of the Construction Official to determine when the plan review fee is due.
2. Certificate of Occupancy Fees.
  - (a) Any Certificate of Occupancy fee shall be paid before a certificate is issued.
  - (b) The Certificate fee for an R-5 use and structures that are accessory uses to R-5 use, such as detached garages, etc., located on the same property and farm structures including commercial farm buildings shall be \$70.00.
  - (c) Certificate fees for all others are 10% of the total construction permit fee with a \$115.00 minimum.
  - (d) The fee for a certificate granted pursuant to a change in use group shall be \$275.00 providing that all subcode inspections reveal no Uniform Construction Code violations that have to be remedied. Uniform Construction Code violations or required changes may require construction permit fees in addition to the fee for a change in use certificate.
  - (e) There is no fee for a Certificate of Approval certifying

that work done under a construction permit has been satisfactorily completed.

(f) There is no fee for a Temporary Certificate of Occupancy.

d. *Annual Permit Fees.*

1. Fees charged for annual permits are to be the same as required by N.J.A.C. 5:23-4.20.

e. *Construction Permit Fees.*

1. The fee to be charged for a construction permit will be the sum of the basic construction fee computed in accordance with the section below, plus any applicable special fees, such as elevator or sign fees. The fee is to be paid before a permit is issued.

f. *Basic Construction Fees.*

1. The basic construction fee shall be in the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures, and devices and the number of sprinklers, standpipes, and detectors (smoke and heat) at the unit rates provided here plus any special fees. The minimum fee for a basic construction permit covering any or all building, plumbing, electrical or fire protection work shall be \$62.00 per subcode.

g. *Building Subcode Fees.*

1. Fees for new construction shall be based upon the volume of the structure. The volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be:  
\$0.045 all use groups, all structures less than 10,001 cubic feet in volume.  
\$0.037 all use groups, all structures 10,001 or more cubic feet in volume.

EXCEPTION: The following structures generally being of very large volume are to be charged the following fee when 10,001 or more cubic feet in volume:

Use Group A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1, S-2 the fee shall be \$.0250 and the fee shall be \$.0250 per cubic feet for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), with a maximum fee for such structures on farms not to exceed \$1,100.00.

2. Fees for renovations, alterations and repairs are based on estimated cost of work:

\$ 1,000.00 up to \$ 50,000.00	\$18.40 per \$1,000.00
\$50,001.00 up to \$100,000.00	\$16.00 per \$1,000.00
\$100,001.00 and above	\$11.50 per \$1,000.00

For the purpose of determining estimated cost the applicant shall submit to the agency 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 contractor's bid, if available, shall be submitted. The agency shall make the final decision regarding the estimated cost.

3. Fees for additions shall be computed on the same basis as the new construction for the added portion.
  4. Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with the items above.
- h. *Plumbing Subcode Fees. Plumbing Fixtures and Equipment:*
1. The fee shall be in the amount of \$12.75 per fixture for any fixtures connected to the plumbing system except for special devices listed below.
  2. Plumbing Special Devices: Grease traps, oil separators, water cooled air conditioning units, refrigeration air conditioning units, utility service connections, back-flow preventers, steam

boilers, hot water boilers, gas piping, active solar systems, sewer pumps, interceptors and fuel piping. The fee for these and similar devices shall be \$62.00 each.

i. *Electric Subcode Fees.* Electrical Fixtures and Devices: The fee shall be as follows:

1. For the first block consisting of one to 50 receptacles, fixtures or devices, the fee shall be \$90.00. For each additional block consisting of up to 25 receptacles, fixtures or devices, the fee shall be \$22.00. For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communication outlets, light standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt(kw).
2. For each motor or electrical device rated from 1 hp to 10 hp or 1 kw to 10 kw; for each transformer or generator from 1 kw to 10 kw or 1 kva to 10 kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydro massage bath tub; for each underwater lighting fixture; for household electric cooking equipment rated up to 60 kw; for each fire, security or burglar alarm control unit; for each receptacle rated from 30 amperes to 50 amperes; for each light standard greater than eight feet in height including luminaries; and for each communications closet the fee shall be \$18.00.
3. For motor or electrical devices rated from greater than 10 hp to 50 hp, or 10 kw to 50 kw; for each service equipment, panel board, switch board, switch gear, motor control center, or

disconnection means rated 225 amperes or less; for each transformer or generator rated from greater than 10 kw to 45 kw or 10 kva to 45 kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$62.00.

4. For each motor or electrical device rated from greater than 50 hp to 100 hp or 50 kw to 100 kw; for each service equipment, panel board, switch board, switch gear, motor control center or disconnection means rated from greater than 225 amperes to 1,000 amperes, and for each transformer or generator rated from greater than 45 kw to 112.5 kw or 45 kva to 112.5 kva, the fee shall be \$138.00.
5. For each motor or electrical device rated greater than 100 hp or 100 kw; for service equipment, panel board, switch board, switch gear, motor control center or disconnecting means greater than 112.5 kw or 112.5 kva, the fee shall be \$620.00.
6. For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor or device. There shall be no additional fee charged for the concurrent installation of individual circuit components, for example, controllers, starter, and disconnecting means.
7. The fee charged for process equipment shall be based on the ampere rating of the over current device protecting the conductor feeding the process equipment or the cutoff device.
8. For the purpose of computing these fees, all electrical and communications devices, utilization equipment and motors which are part of premises wiring, except those which are portable plug-in-type, shall be counted.

j. *Fire Protection Fees.* Sprinklers, standpipes, detectors (smoke or heat), pre-engineered suppression system, gas or oil fired appliances not connected to the plumbing systems, kitchen exhaust systems, incinerators and crematoriums:

1. The fee for 20 or fewer heads or detectors shall be \$62.00; the fee for 21 to and including 100 heads or detectors shall be \$179.00; for 101 to and including 200 heads or detectors the fee shall be \$360.00; for 201 to and including 400 heads or detectors the fee shall be \$1,100.00; for 401 to and including 1,000 heads or detectors the fee shall be \$1,380.00.
2. In computing the fees for heads and detectors, the number of each shall be counted separately and two fees, one for the heads and one for the detectors shall be charged.
3. The fee for each standpipe shall be \$275.00.
4. The fee for each independent pre-engineered fire suppression system shall be \$220.00.
5. The fee for each gas or oil fired appliance which is not connected to the plumbing system shall be \$62.00.
6. The fee for each kitchen exhaust system shall be \$62.00.
7. The fee for each incinerator shall be \$700.00.
8. The fee for each crematorium shall be \$700.00.

k. *Elevator Subcode Fees.* Upper Township does not currently have an Elevator Subcode Official. This position is being handled by the Department of Community Affairs.

In the event that Upper Township does contract with a third party to act as Elevator Subcode Official the fee will be the same as charged by the Department of Community Affairs plus a 10% administrative charge.

**SECTION 2: REPEALER:** All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

**SECTION 3: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect upon final adoption and publication as required by law.

**SECTION 5: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

ATTEST:

  
BARBARA L. YOUNG, Township Clerk

  
RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11th OF MARCH, 2013 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 8<sup>th</sup> DAY OF APRIL, 2013 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: March 11, 2013

Publication: March 15, 2013

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: April 8, 2013

Final Adoption: April 8, 2013

Final Publication Date: April 11, 2013

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 8, 2013 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on April 11, 2013.

  
BARBARA L. YOUNG, Township Clerk