

ORDINANCE NO. 2021-20

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING SECTION 300-3: "FEES" OF CHAPTER 300:
"CONSTRUCTION CODES, UNIFORM" OF THE BOROUGH'S REVISED GENERAL
ORDINANCES TO INCREASE CERTAIN CONSTRUCTION FEES AND IMPLEMENT
NEW FEES UPON CERTAIN CONSTRUCTION.**

BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that the Borough's Revised General Ordinances are hereby amended at Section 300-3: "Fees" under Chapter 300: "Construction Codes, Uniform" as follows (stricken text deleted; underlined text added):

**CHAPTER 300
CONSTRUCTION CODES, UNIFORM**

* * *

§ 300-3 Fees.

The fees to be charged by the local Uniform Construction Code Enforcing Agency shall be as follows:

- A. Plan review fee. The fee for plan review shall be 20% of the amount to be charged for a new construction permit. The minimum plan review fee shall be \$75.
- B. The basic construction fee shall be 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 herein, plus any special fees. The minimum fee for a basic construction permit covering any or all of building, plumbing, electrical, or fire protection work shall be \$75\$100.
 - (1) Building subcode fees.
 - (a) Building volume of cost. The fees for new construction or alteration are as follows:
 - [1] Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$0.04 \$0.06 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in Chapters 3 and 4 of the building subcode; except that the fee shall be \$0.035 \$0.045 per cubic foot of volume for use groups R-3 and R-5.
 - [2] Fees for renovations, alterations and repairs shall be based upon the estimated cost of the work.
 - [a] The fee for use groups R-3 and R-5 shall be in the amount of \$30\$45 per \$1,000.
 - [b] The fee for all other use groups shall be in the amount of \$35\$50 per \$1,000.
 - [c] For the purpose of determining estimated cost, the applicant shall submit to the local enforcing 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 Construction Official shall make the final decision regarding estimated cost after consultation with the appropriate subcode officials.
 - (b) Fees for additions shall be computed on the same basis as for new construction for the added portion.

- (c) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with Subsection B(1)(a)[1] and [2] above.
- (d) Special fees. Structures for which volume cannot easily be computed.
 - [1] ~~Antennas, masts, antenna towers, and/or satellite dish transceivers:~~
 - [a] The fee to erect a roof mounted radio or television antenna exceeding 12 feet in height shall be \$35, plus \$1 for each additional foot above 12 feet.
 - [b] The fee to install a roof- or ground-mounted satellite dish transceiver shall be \$50.
 - [c] The fee to erect ground-mounted radio antenna(s) towers shall be \$150\$225.
 - [2] Fencing.
 - [a] Applicable fencing fee shall be \$50\$75 for the first 200 lineal feet of fence or fraction thereof and \$10\$15 for each additional 100 lineal feet of fence or fraction thereof.
 - [b] There is no permit requirement for fences six feet or less in height, unless surrounding a swimming pool.
 - [3] Private swimming pools.
 - [a] The fee for the installation of an in-ground swimming pool shall be \$175\$250.
 - [b] The fee for the installation of an aboveground swimming pool exceeding 24 inches in depth or having a surface area in excess of 250 square feet shall be \$125\$175.
 - [4] Residential tool or storage sheds.
 - [a] There is no permit required for garden-type utility sheds which are 100200 square feet or less in area, 10 feet or less in height, and accessory to buildings in use groups R-2, R-3 or R-4 [N.J.A.C. 5:23-2:14(b)8].
 - [b] Sheds exceeding 100200 square feet shall be considered structures and the fee shall be \$200 calculated in accordance with Subsection B(1) of this section.
 - [5] Signs. The fee shall be \$50 per sign.
 - [a] There is no permit requirement for a sign not greater than 25 square feet in surface area (one side) and not more than six feet above the ground (mounted height) which is not served by an electrical circuit directly connected to the sign, if it meets the other conditions specified in the regulations [N.J.A.C. 5:23-2.14(b)6].
 - [b] When applicable, the fee shall be \$50 or \$2 per square foot of surface area, whichever is greater. In case of double-faced signs, the area of only one side shall be used for the purpose of fee computation.
 - [6] Temporary structure. When a permit is required for a temporary structure, tent or temporary greenhouse pursuant to N.J.A.C. 5:23-3.13(a)22 et seq., the fee shall be \$100\$150.
 - [7] Tents. The fee for tents in excess of 900 square feet or more than 30 feet in any dimension shall be \$150\$225.
 - [8] Fees for retaining walls shall be as follows: \$200 for the first 20 lineal feet of wall or fraction thereof and \$50 for each additional lineal foot of wall or fraction thereof.

- [a] A retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall have a flat fee of \$200.
- [b] A retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall have a flat fee of \$100.
- [9] The fee for the installation of illuminated or self-luminous exit signs and/or emergency lighting units shall be \$10\$15 per device. The minimum fee shall be \$75\$100.
- [10] The fee for the installation of photovoltaic or solar systems shall be as follows:
 - [a] Up to 20kW, the fee shall be \$75.
 - [b] 21kW to 50kW, the fee shall be \$150.
 - [c] 51kW to 100kW, the fee shall be \$300.
 - [d] For over 100kW, the fee shall be \$500, plus \$50 for every 100kW or fraction thereof over 100kW.
- [4011] The minimum Building Subcode Fee, unless otherwise specified, shall be \$75\$100.

(2) Plumbing subcode fees.

- (a) For installation or replacement of plumbing fixtures and devices, such as but not limited to water closets, urinals, bidets, bath tubs, showers, lavatories, sinks, floor drains, dishwashers, drinking fountains, washing machines, hose bibbs, water heaters, trap primers, plumbing stacks, gas appliance connections and other similar devices, the fee shall be \$25\$40 per device.
- (b) For installation or replacement of special fixtures and devices, such as but not limited to grease traps, backflow preventers, oil separators, interceptors, water-cooled air-conditioning units, commercial refrigeration units, steam boilers, hot water boilers, commercial cooking equipment, gas piping, sewer pumps, automatic fuel-shutoff devices, fuel oil piping, gas logs, generators, and rooftop units, the fee shall be \$75\$100 per system or device.
- (c) For utility service installations and/or connections, including potable water, sewer, and combined fire service/domestic water connections, the fee shall be \$125\$200 per connection.
- (d) Other plumbing subcode fees.
 - [1] Roof drains, footing drains, and sump pumps (per device or system): \$75\$100.
 - [2] Active solar systems: \$100\$150.
- (e) LPG tanks.
 - [1] Tanks located above ground.
 - [a] Up to 500 gallons, the fee shall be \$100\$150;
 - [b] From 501 to 2,000 gallons, the fee shall be \$150\$225.
 - [2] Tanks located below ground.
 - [a] Up to 2,000 gallons, the fee shall be \$200\$300.
- (f) Mechanical inspection. For a mechanical inspection performed by a mechanical inspector, or a plumbing inspector, in a structure of Groups R-3, R-4, R-5, the fee shall be a flat fee of \$75\$125 for the initial appliance, plus \$40 for each additional appliance.

(g) The minimum Plumbing Subcode Fee, unless otherwise specified, shall be \$100.

(3) Electrical subcode fees.

(a) For installation or replacement of outlets, receptacles, fixtures, including lighting outlets, wall switches, fluorescent fixtures, convenience receptacle or similar fixture, line voltage smoke alarms, burglar alarm systems, and motors or devices of less than one horsepower or one kilowatt, the fee shall be as follows:

[1] From one to 50 devices, the fee shall be ~~\$75~~\$100.

[2] For each additional 25 devices, the fee shall be ~~\$50~~\$75.

(b) For each motor or similar electrical device, the fees shall be as follows:

[1] For one to 10 horsepower, the fee shall be ~~\$35~~\$50;

[2] For 11 to 50 horsepower, the fee shall be ~~\$75~~\$100;

[3] For 51 to 100 horsepower, the fee shall be ~~\$150~~\$200;

[4] For ~~over 100 to 200~~ horsepower, the fee shall be ~~\$450~~\$600.

[5] For over 200 horsepower, the fee shall be \$1,000.

(c) For transformers and generators over one kilowatt, the fees shall be as follows:

[1] For up to ~~10.0 hp/kW~~30 kW/kVA, the fee shall be ~~\$35~~\$100 each;

[2] For ~~over 10 hp/kW~~31 kW/kVA up to ~~50 hp/kW~~100 kW/kVA, the fee shall be ~~\$75~~\$200 each;

[3] For ~~over 50 hp/kW~~101 kW/kVA up to ~~100 hp/kW~~200 kW/kVA, the fee shall be ~~\$125~~\$400 each;

[4] For ~~over 100 hp/kW up to 150 hp/kW~~, the fee shall be ~~\$225~~, and shall increase by ~~\$100 for every 50 hp/kW over 150 hp/kW~~. For ~~over 200 kW/kVA~~, the fee shall be ~~\$600~~ each.

(d) For electrical service entrance, service panel, sub-panel installations or replacements, the fees shall be as follows:

[1] For up to 100 amps, the fee shall be ~~\$100~~\$150;

[2] For 101 amps to 200 amps, the fee shall be ~~\$150~~\$200;

[3] For 201 amps up to ~~300~~400 amps, the fee shall be ~~\$250~~\$400;

[4] For ~~301 amps and over 400 amps~~, the fee shall be ~~\$300~~\$400, plus ~~\$500~~\$600 for every 100 amps or fraction thereof over 400.

(e) For the purpose of computing these fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.

(e) For electrical main panel and sub-panel installations or replacements, the fees shall be as follows for each panel or sub-panel:

[1] For up to 100 amps, the fee shall be \$100;

[2] For 101 amps to 200 amps, the fee shall be \$150;

[3] For 201 amps up to 400 amps, the fee shall be \$200;

[4] For over 400 amps, the fee shall be \$400, plus \$500 for every 100 amps or fraction thereof over 400.

(f) The fees to be charged for other electrical equipment or fixtures not specified above are as follows:

- [1] Protective signaling systems. This includes but is not limited to fire alarm devices, smoke and heat detectors, burglar alarm devices, nurse call systems, communications systems, etc.
 - [a] For one to 50 devices, the fee shall be \$100\$150;
 - [b] For each additional 25 devices, the fee shall be \$50\$75.
 - [c] For each notification power booster or transponder, the fee shall be \$75.
 - [d] For emergency responder radio systems, the fee for the base system and one floor of building coverage shall be \$300, plus \$100 for each additional floor of building coverage.
- [2] Swimming pools:
 - [a] Aboveground, the fee shall be \$100\$150.
 - [b] In-ground, the fee shall be \$200\$300.
- (g) The minimum electrical subcode fee shall be \$75\$100.
- (h) The fee for the annual electrical inspections of swimming pools, spas or hot tubs shall be \$125\$150.
- (i) Area lighting: The fee for the first pole or bollard shall be \$100, plus \$50 for each additional pole or bollard.
 - [1] For one to five standards (greater than eight feet), the fee shall be \$100;
 - [2] For more than five standards, the fee shall be \$15 for each standard.
- (j) For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar voltaic system as follows:
 - [1] One to 50 kilowatts, Up to 20kW, the fee shall be \$75\$125;
 - [2] Fifty to 100 kilowatts, 21kW to 50kW, the fee shall be \$150\$225;
 - [3] Greater than 100 kilowatts, the fee shall be \$575.51kW to 100kW, the fee shall be \$500.
 - [4] For over 100kW, the fee shall be \$500, plus \$50 for every 100kW or fraction thereof over 100kW.
- (k) For the purpose of computing these fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.

(4) Fire subcode fees:

- (a) Fire protection sprinklers. For installation, relocation, or replacement of fire protection sprinklers, the fees shall be as follows:
 - [1] The fee for 20 or fewer sprinkler heads shall be \$100\$150;
 - [2] For 21 to and including 100 heads, the fee shall be \$200\$300;
 - [3] For 101 to and including 200 heads, the fee shall be \$375\$500;
 - [4] For 201 to and including 400 heads, the fee shall be \$750\$1,000;
 - [5] For 401 heads to and including 1,000 heads, the fee shall be \$1,000\$1,500;
 - [6] For over 1,000 heads, the fee shall be \$1,500, plus \$2 for each additional head.
- (b) Fire alarm systems. For installation, relocation, or replacement of any fire alarm panel, annunciator, heat detector, smoke detector, manual pull station, bell, horn, strobe, or other types of signaling, supervisory, or

indicating devices connected to any automatic or manual fire alarm system, the fees shall be calculated on the number of individual component devices as follows:

- [1] The fee for 10 or fewer devices or appliances shall be \$100\$150;
- [2] For 11 to and including 20 devices or appliances, the fee shall be \$150\$250;
- [3] For 21 to and including 100 devices or appliances, the fee shall be \$250\$400;
- [4] For 101 to and including 200 devices or appliances, the fee shall be \$500\$750;
- [5] For 201 to and including 500 devices or appliances, the fee shall be \$850\$1,250;
- [6] For 501 or more devices or appliances, the fee shall be \$850\$1,250, plus \$1.50\$2.00 per device or appliance for each device or appliance beyond 500.
- [7] For each notification booster or communicator, the fee shall be \$75.

- (c) The fee for each standpipe shall be \$300\$500.
- (d) The fee for each independent preengineered suppression system shall be \$150\$250, and the fee for each independent preengineered clean agent system shall be \$500.
- (e) For gas- and oil-fired heat-producing devices or appliances, such as but not limited to furnaces, boilers, industrial ovens, processing equipment, rooftop, package, and other similar devices, the fee shall be \$55\$100 per device or appliance, except that there shall be no charge for hot water heaters in one- and two-family dwellings.
- (f) The fee for each commercial kitchen exhaust system, including make up air unit(s), shall be \$125. as follows:
 - [1] The fee for Type 1 system(s) shall be \$300 each.
 - [2] The fee for Type 2 system(s) shall be \$200 each.
- (g) The fee for each incinerator shall be \$500\$750.
- (h) The fee for each crematorium shall be \$500\$750.
- (i) The fees to be charged for other fire protection devices not specified above shall be as follows:
 - [1] The fee for the installation of a solid-fuel-burning device shall be \$75\$100 per device.
 - [2] The fee for the installation of fire escapes is included in the fee as determined for alteration/repairs under the Building Subcode.
 - [32] The fee for asphalt (tar) kettle roofing operations shall be \$100\$150.
 - [43] The fees for the installation, removal or abandonment of flammable or combustible liquid storage tanks and dispensing units or pumps shall be as follows:
 - [a] The fee for dispensing units or pumps shall be \$50\$150 per nozzle.
 - [b] The fee for inside tanks installed for residential heating purposes in use groups R-3 and R-5 shall be \$100\$150 per tank.
 - [c] The fee for the installation, removal, or abandonment of storage tanks shall be:
 - [i] Zero gallons to 500 gallons capacity, \$100\$150 per tank;

- [ii] Five hundred one gallons to 1,000 gallons capacity, ~~\$150~~\$225 per tank;
- [iii] One thousand one gallons to 2,000 gallons capacity, ~~\$200~~\$300 per tank;
- [iv] Two thousand one gallons to 5,000 gallons capacity, ~~\$350~~\$500 per tank;
- [v] Over 5,000 gallons capacity, ~~\$100~~\$750 per tank.

[54] The fees for each fire pump shall be ~~\$300~~ as follows:

- [a] Up to 500 gpm, the fee shall be \$450.
- [b] 501 gpm to 1,000 gpm, the fee shall be \$600.
- [c] 1,001 gpm to 1,500 gpm, the fee shall be \$1,000.
- [d] For over 1,500 gpm, the fee shall be \$1,000, plus \$100 for every 500 gpm or fraction thereof over 1,500 gpm.

[65] The fee for each fire hydrant installed on private property shall be ~~\$200~~\$300.

[6] For emergency responder radio systems, the fee for a survey shall be \$100, and inspection of the base system and one floor of building coverage shall be \$500, plus \$150 for each additional floor of building coverage.

[7] The fee for the installation of photovoltaic or solar systems shall be as follows:

- [a] Up to 20kW, the fee shall be \$100.
- [b] 21kW to 50kW, the fee shall be \$150.
- [c] 51kW to 100kW, the fee shall be \$250.
- [d] For over 100kW, the fee shall be \$400, plus \$50 for every 100kW or fraction thereof over 100kW.

[78] For the installation, relocation or replacement of each fire protection device not otherwise specified above, the fee shall be \$15 per device. The minimum fee shall be ~~\$75~~\$100. Such devices may include but not be limited to voice alarms, speakers, fire department communication devices, control units, etc.

[89] The fee for other mechanical systems or equipment regulated by the Fire Protection Subcode and not specifically listed herein shall be ~~\$75~~\$100 for the first \$1,000 of estimated cost and \$25 for each additional \$1,000 of estimated cost.

[910] The fee for each fire service underground shall be \$1 per foot. The minimum fee shall be \$100.

[4011] The minimum Fire Protection Subcode Fee shall be ~~\$75~~\$100.

- (5) Elevator subcode fees. The fees for each elevator plan review, for elevator installation or replacement, for elevator installation and device acceptance tests, inspections, maintenance tests, and certificate of compliance shall be those as set forth in N.J.A.C. 5:23-12.6(a) and (b).
- (6) Asbestos subcode. The fee for issuance of a construction permit for each asbestos abatement project shall be ~~\$100~~\$150.
- (7) Lead abatement. The fee for issuance of a construction permit for each lead abatement project shall be ~~\$100~~\$150.

C. Expedited Inspections; Fees.

- (1) Any person or entity may apply for an inspection of a particular project or site on a day and time convenient to that person or entity. Any such application shall be

made, in writing, to the Construction Department on a form to be provided by the Construction Official for such purpose. The Construction Official shall make the necessary arrangements with licensed subcode officials to make the inspection on the day and time requested. If the Construction Official is unable to arrange for the inspection as requested, he or she shall notify the applicant requesting the inspection as soon as possible after the request is made.

(2) Any person or entity applying for an inspection pursuant to Subsection (1) hereinabove shall, in addition to any other fees payable pursuant to this chapter, pay to the Construction Department a fee of \$300 for the first four (4) hours or portion thereof that the inspector is on site making such inspection. For each additional hour, or portion thereof, after the first four (4) hours, the applicant shall pay a fee of \$75. The applicant shall deposit \$300 with the Construction Department at the time the application is made. If an inspection exceeds four hours, the applicant shall be billed for the additional time. Any such bill shall be due and payable immediately upon receipt.

(3) The provisions of this section shall not apply, nor shall the applicant be charged a fee as provided for herein, where an inspection is performed by a code official regularly employed by the Borough in a full- or part-time salaried position, except that, where such convenience inspection is requested for a Saturday, Sunday or legal holiday, the applicant shall pay the applicable fee.

GD. Certificates and other permits.

(1) Demolition. The fee for a demolition or removal permit for structures of less than 5,000 square feet in area and less than 30 feet in height: for one- or two-family residences (use groups R-3 and R-4 of the Building Subcode), for one- or two-car garages, and structures on farms, including commercial farm buildings as per N.J.A.C. 5:23-3.2(d), shall be \$100~~\$150~~. The demolition fee for all other structures and use groups shall be \$200~~\$300~~.

(2) Moving of a structure or building: The fee shall be \$25 per \$1,000 of the estimated cost of moving the structure or building.

(a) From one lot within the Borough to another lot or to a new location on the same lot: the fee shall be \$25 per \$1,000 of the estimated cost of moving. The fee for the new footings, foundation, slab, and/or any other work needed to bring the structure to a completed condition shall be in accordance with Subsection B of this section, provided that the minimum fee shall be \$150.

(b) From a lot within the Borough to a location outside the borders of the Borough: the fee shall be \$25 per \$1,000 of the estimated cost of moving. The minimum fee shall be \$150.

(3) The fee for a certificate of occupancy shall be in the amount of 10% of the new construction permit fee which would be charged by the agency pursuant to these regulations. The minimum fee shall be \$225~~\$150~~, except for structures of less than 5,000 square feet in area and less than 30 feet in height, and structures on farms, including commercial farm buildings subject to N.J.A.C. 5:23-3.2(d), for which the minimum fee shall be \$100.

(4) The fee for a certificate of occupancy for buildings of use group R-4; or for certificates of occupancy issued for each individual tenant space in a new structure consisting of multiple tenants of use groups B, M, R-2, and R-3, the fee shall be \$75~~\$100~~ per unit.

(5) The fee for the first issuance and the renewal of a temporary certificate of occupancy shall not exceed \$30~~\$75~~.

(6) The fee for a certificate of occupancy granted pursuant to a change of use group shall be \$200~~\$300~~.

(7) The fee for certificate of continued occupancy shall be \$200~~\$300~~.

(8) The fee for plan review of a building for compliance under the alternate systems and nondepletable energy source provisions of the Energy Subcode shall be

~~\$345\$525~~ for one- and two-family homes, and for light commercial structures having the indoor temperature controlled from a single point, and ~~\$1,725\$2,600~~ for all other structures.

(9) The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be ~~\$750\$1,125~~ for Class I structures and ~~\$250\$375~~ for Class II and ~~\$250~~ for Class III structures. The fee for resubmission of an application for a variation shall be ~~\$325~~ for Class I structures and ~~\$125~~ for Class II and Class III structures.

D. Periodic inspections. Fees for the periodic enforcing agency reinspection of equipment and facilities granted a certificate of approval for a specified duration in accordance with N.J.A.C. 5:23-2.23 shall be as follows:

(1) The fee for elevator device periodic inspections and tests shall be as set forth in N.J.A.C. 5:23-12.6(a) and (b).

(2) For cross-connections and backflow preventers that are subject to testing, requiring reinspection annually, the fee shall be ~~\$75\$100~~ for each device when they are tested.

E. Annual permits. 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:

(1) One to 25 workers (including foreman), ~~\$650\$975~~/worker; each additional worker over 25, ~~\$230\$345~~/worker.

(2) Prior to the issuance of the annual permit, a training registration fee of \$140 per subcode shall be submitted by the applicant to the Department of Community Affairs, Construction Code Element, Training Section, along with a copy of the construction permit (Form F-170A). Checks shall be made payable to "Treasurer, State of New Jersey."

F. New Jersey Department of Community Affairs surcharge training 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 0.00334 mils per cubic foot of volume of new building and additions. The fee for all other construction shall be \$1.70 per \$1,000 of value of construction. The surcharge fee shall will be charged and remitted to the Department of Community Affairs in accordance with N.J.A.C. 5:23-4.19 on a quarterly basis for the fiscal quarter ending March 31, June 30, September 30, and December 31, and not later than one month next succeeding the end of the quarter for which it is due. The minimum permit surcharge fee shall be \$1.

G. Construction permits shall be valid for one year from the date of issuance, and the fee shall be paid prior to the permit issuance.

H. Renewal of existing permits. Under the Uniform Construction Code, there is no separate fee for renewal of a valid existing permit if the authorized work has commenced within 12 months after issuance of the permit. If the authorized work has not been suspended or abandoned for a period of six months after commencement, the permit remains valid regardless of the issuance date. Should construction halt for a period of not less than six months, the construction shall be considered abandoned and new construction permits shall be obtained.

I. No Refunds After 30 Days. No refunds of any fees shall be given after the expiration of thirty (30) days from the issuance of any permit(s).

J. Violations and Penalties.

(1) Any person who violates the provisions of this section shall, upon conviction, be subject to fines and/or penalties as follows:

(a) 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;

- (b) 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;
- (c) Up to \$2,000 per violation for failure to comply with a stop construction order;
- (d) 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; or
- (e) Up to \$500.00 per violation for any violation not covered in subsections (a), (b), (c), or (d) hereinabove.

(2) 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.

(3) Each and every day in which a violation of any provision of this section or any other ordinance of the Borough of Red Bank exists shall constitute a separate violation.

(4) All Monies collected shall be collected under the penalty provisions of the Uniform Construction Code. All penalties collected shall be by the Construction Department and shall be placed in a special trust account to be applied to the cost of the department for training, technical support programs, certification, new equipment and transportation. An independent fund shall be set up and retained by the Chief Financial Officer to be the trustee of this account.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that this Ordinance shall take effect immediately upon its passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin					X
Councilwoman Triggiano		X			
Councilman Ballard	Motion	X			
Councilman Yngstrom		X			
Councilman Zipprich	Second	X			
Councilwoman Horgan		X			

Introduction: September 1, 2021

Public Hearing/Adoption: September 22, 2021