

CHAPTER XI

BUILDING AND HOUSING

11-1 UNIFORM CONSTRUCTION CODE ENFORCING AGENCY.

11-1.1 Enforcing Agency.

- a. *Established; Composition.* There is hereby established in the Borough a State Uniform Construction Code enforcing agency to be known as the Surf City Construction Code Enforcement Department, 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. *Qualifications.* Each official position created in paragraph a. hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, C.217, N.J.S.A. 52:27D-119 et seq., as amended, and N.J.A.C. 5:23; provided that in lieu of any particular subcode official, an onsite inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one (1) such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, C.217, N.J.S.A. 52:27D-119 et seq., and N.J.A.C. 5:23 to hold each such position.

- c. *Office Location.* The public shall have the right to do business with the enforcing agency at one office location except for emergencies, and unforeseen or unavoidable circumstances.
(Ord. No. 77-2 § 1)

11-1.2 Construction Permit Fees.

- a. *Building Subcode Fee.* The building subcode fee shall be:
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 \$0.024 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in articles 3 and 4 of the building subcode; except that the fee shall be \$0.013 per cubic foot of volume for use groups A-1, A-2, A-3, A-4, F-1, S-1 and S-2, and the fee shall be \$0.0006 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 \$850.00 each.
 2. Fees for renovations, alterations, repairs, and site construction associated with pre-manufactured construction shall be based upon the estimated cost of the work. For \$50,000.00 or less, the fee shall be in the amount of \$20.00 per \$1,000.00 from \$50,001.00 to and including \$100,000.00 the additional fee shall be in the amount of \$16.00 per \$1,000.00 of estimated cost above \$50,000.00. Above \$100,000.00 the additional fee shall be in the amount of \$14.00 per \$1,000.00 of estimated cost above the \$100,000.00.
- For the purpose of determining estimated cost, the applicant shall submit to the Construction Official

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.

3. Fees for additions shall be computed on the same basis as for new construction for the added portion.
 4. Fees for combination renovations and additions shall be computed separately in accordance with items 1 and 2 above.
 5. For temporary structures, towers, fences greater than six (6') feet in height, open decks not attached to the principal or accessory structure, and similar structure for which volume cannot be computed, the fee shall be \$35.00.
 6. The fee for roofing or siding in R-3 and R-4 uses shall be \$35.00.
 7. Pools:
 - (a) Above ground, the fee shall be \$ 35.00
 - (b) In ground, the fee shall be 100.00
 - (c) Commercial, the fee shall be 200.00
 8. Bulkheads, docks, wharves and piers the fee shall be computed as an alteration.
- b. *Plumbing Subcode Fees.*
1. Minimum Fee \$40.00
 2. Fixtures and Appliances: The installation of plumbing per fixture or stack shall include but not limited to water closets, bathtubs, shower stalls, laundry tubs, floor drains, drinking fountains, dishwashers, clothes washers, hot water heaters,

roof drains, hose bibs or similar devices, the fee shall be as follows:

- (a) Per fixture and appliance\$12.00
- 3. Modular, Pre-Manufactured and Raised Structures Building Drains and Water Piping installed on site shall be as follows \$50.00
- 4. Special Device:
 - (a) R-5 the installation of a boiler (hot water or steam), air conditioners and condensation piping, refrigeration, sewer pumps.....\$40.00
 - (b) All Other Use Groups the installation of grease traps, oil interceptors, backflow preventors, sewer injectors, (hot water or steam), air conditioning and condensation piping, refrigeration\$50.00
- 5. Gas and/or Oil Piping shall be as follows:
 - (a) R-5 Use group.....\$40.00
 - (b) All other use groups..... \$75.00
- 6. Gas Appliance Connections fee for each connection to the gas system\$8.00
- 7. Lawn Irrigation.....\$50.00
- 8. Sewer Connection:
 - (a) R-5 Use group.....\$40.00
 - (b) All other use groups.....\$75.00
- 9. Water Connection:
 - (a) R-5 Use group\$40.00
 - (b) All other use groups.....\$75.00
- 10. Water Heater Replacement same fuel, exempt from c.1. minimum fee.....\$30.00

11. Installation of Propane Fuel Tanks:
 - (a) R-5 Use group\$40.00
 - (b) All other use groups.....\$150.00
- c. *Fire Subcode Fees.*
 1. Minimum Fee.....\$40.00
 2. Gas or Oil Fired Appliances not connected to the plumbing system, except from d.1. minimum fee\$25.00
 3. Fire Suppression Systems:
 - (a) 1-20 heads\$ 50.00
 - (b) 21-100 heads\$120.00
 - (c) 101-200 heads\$230.00
 - (d) 201-400 heads\$594.00
 - (e) 401-1,000 heads\$822.00
 - (f) Over 1,000 heads\$1,050.00
 4. Fire Alarms, Detectors fees to be computed as fire suppression systems. In computing fees for heads and detectors, the number of each to be computed separately.
 5. Fire Pumps the fee shall be\$50.00
 6. Standpipe Systems each\$229.00
 7. Engineered Suppression System the fee shall be\$100.00
 8. Independent Pre-Engineered System the fee shall be\$100.00
 9. Incinerators the fee shall be\$365.00
 10. Crematoriums the fee shall be\$365.00
 11. Spray Booths and Dipping Operations\$150.00

12. Fuel Dispensing Units in the case of service stations the fee shall be per island.....\$135.00
13. Smoke Control Systems and/or Kitchen Exhaust Hoods shall be.....\$100.00
14. Installation of Combustible and/or Flammable Tanks:
 - (a) R-5 Use group.....\$40.00
 - (b) All other use groups.....\$150.00

d. *Electric Subcode Fees.*

1. Minimum Fee.....\$40.00
2. Fixtures or Receptacles (receptacles and fixtures shall include lighting outlets, wall switches, electrical discharge fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one horsepower or one kilowatt, burglar, fire and communication devices, etc.) the fee as follows:
 - (a) 1-25 \$40.00
 - (b) Each additional 25\$10.00
3. Motors or Electrical Devices (each)
 - 1-9 horsepower.....\$12.00
 - 10-50 horsepower.....\$50.00
 - 51-100 horsepower.....\$200.00
 - Over 100 horsepower.....\$500.00
4. Transformers and Generators Kilowatt or Kilovolt (each):
 - 0-9\$12.00
 - 10-45\$50.00
 - 46-110\$ 200.00

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- Over 100\$500.00
- 5. Service Panels, Entrance or Sub-Panel (each)
 - 0-200 amps\$50.00
 - 201-400 amps\$150.00
 - 401-1000 amps\$250.00
 - Over 1000 amps\$500.00
- 6. For the purpose of computing fees above, all motors and plug-in appliances shall be counted, including control equipment, generators, transformers and heating, cooking or other devices consuming or generating electrical current.
- 7. Signs each shall be\$50.00
- 8. Pool Equipotential Bonding Grid\$30.00
- e. *Elevator Subcode Fees.*
 - 1. Elevator devices where applicable shall be in accordance with N.J.A.C. 5:23 Chapter 12.
- f. *Other Permit Fees.*
 - 1. Certificate of Completion for Asbestos Abatement.....\$85.00
 - 2. Certificate for Lead Abatement.....\$85.00
 - 3. Electrical Certificate of Compliance for public pools\$60.00
 - 4. Reinstate a Lapsed Construction Permit for each subcode\$40.00
 - 5. Fees Miscellaneous for an item for which a fee has not been established.....\$40.00
 - 6. Plan Review: The fee shall be 20% of the new construction fee. Substantial repeated review based on the hourly rate of Subcode Official.

g. *Waiver of Construction Permit Fee.*

1. As per N.J.A.C. 52:27D-126e., no person shall be charged a construction permit fee for the construction, reconstruction, alteration or improvement designed or undertaken solely to promote accessibility such as a ramp or entrance doorway only, for a disabled person to an existing residential private structure. A disabled person, or a parent or sibling of a disabled person, shall not be required to pay a fee in order to secure a construction permit for a ramp or entrance doorway.
2. For the purpose of this section, "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 of 1974 (42 U.S.C. 231 et seq.) or is rated as having sixty (60%) percent disability or highest pursuant to any Federal law administered by the United States Veterans' Act. For purposes of this paragraph, "blindness" means central visual acuity of 20/20 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered as having a central visual acuity of 20/20 or less.
(Ord. No. 98-16 § I; Ord. No. 2008-10 § I)

11-1.3 Fire Limits. Fire limits are hereby established in the Borough in accordance with N.J.A.C. 5:23-4.7 and shall be as designated on the map entitled Borough of Surf City Fire Zones, dated July 3, 1977, with a scale of one (1") inch equals one hundred (100') feet, and prepared by Paul J. Hacunda of Wilcox, Gravatt and Hacunda, Inc. Such map shall be incorporated herein and made a part of this chapter as if more specifically set forth herein in its entirety.

Three (3) copies of the above referenced map shall be on file in the Municipal Clerk's office and shall be available for the use and examination of the public during normal business hours. (Ord. No. 77-14 §§ 1-2)

11-1.4 Relief from Personal Responsibility. The Construction Official, officer, or employee charged with the enforcement of the Code, while acting for the municipality, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or all property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of any act performed by him in the lawful discharge of his duties and under the provisions of the Code shall be defended by the legal representative of the municipality until the final termination of the proceedings. In no case shall the Construction Official or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Code; and any officer of the department of building inspection, acting in good faith and without malice shall be free from liability for acts

performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith. (Ord. No. 74-7)

11-2 STORAGE AND REMOVAL OF CONSTRUCTION DEBRIS, BUILDING MATERIALS AND RUBBISH.

11-2.1 Obstructing Streets or Sidewalks. No materials of any kind shall be placed in gutters or in the street so as to interfere with full passage of storm water. Any hazard occurring in street or sidewalk area shall have red lights on it at night and adequate warning signs during the day. (Ord. No. 74-7)

11-2.2 Removal; Securing Loose Material. All rubbish and construction debris deriving from the building construction must be secured in an enclosure and carted away at frequent intervals. All loose materials shall be protected from being blown from premises after working hours or whenever work is suspended. (Ord. No. 74-7)

11-2.3 Clean Up of Materials. Upon completion of the building work, the contractor or owner shall clean up all the dirt and materials on the highway and the premises. (Ord. No. 74-7)

11-2.4 Temporary Use of Materials. The provisions of this Code shall not prevent the lawful, ordinary and temporary use of building materials, structures and appurtenances during building operations upon public or private property, except as herein otherwise provided. (Ord. No. 74-7)

11-3 BULKHEADS.

- a. All materials to be used shall be of creosoted materials or equal to twelve (12) pound empty cell process, the

exceptions being dead men or back piling which are not exposed to water or air and are buried beneath backfill. All tie rods, bolts and other hardware shall be hot dipped galvanized steel. Before any work of the type described in this section may be begun, a building permit shall be applied for and obtained after submission of plans and specifications showing compliance with the provisions hereof; and the work in progress shall be subject to inspection by the Construction Official to assure compliance therewith.

- b. Whenever bayside or lagoon bulkheads are constructed, they shall comply with the following specifications:
 - 1. All sheathing shall be single thickness of two inches by eight (2" x 8") inches T & G and of sufficient minimum length to have the amount buried below the bay bottom, equal to the amount exposed above the bay bottom.
 - 2. Walers shall be not less than six inches by six (6" x 6") inches of which there shall be two (2).
 - 3. All piling shall have eight (8") inch minimum diameter butts and shall penetrate ten (10') feet below bay bottom and be five (5') feet O.C. maximum.
 - 4. All tie rods shall be not less than three-quarter (3/4") inch diameter and sixteen (16') feet in length and shall be set through each piling one (1') foot from top. All anchor piling shall be not less than twelve (12') feet in length and shall have eight (8") inch minimum diameter butts.
 - 5. Bulkhead top must be minimum elevation of plus five (5') feet M.S.L. USCG Datum.
- c. No bulkhead shall be constructed for protection against the Atlantic Ocean, unless it conforms to the following minimum specifications:

1. All sheathing shall be doubled two inches by eight (2" x 8") inches T & G twenty (20') feet in length. All joints must be equally staggered so that each joint shall be in the center of the vertical sheathing abutting it. Where single sheathing size three inches by eight (3" x 8") inches T & G is used, all joints must be back stripped with one inch by six (1" x 6") inches.
2. Three (3) front walers running horizontal to sheathing with three (3) walers six inches by six (6" x 6") inches running directly in back of sheathing and bolted through to the front walers with three-quarters (3/4") inch bolts and wide flange washers on five (5') foot centers. There shall be not more than one (1) waler overlap or splice falling upon each piling. Where lamination is used, two inch by six (2" x 6") inch or two (2) three inch by six (3" x 6") inch may be used and joints must be staggered.
3. All piling shall be not less than twenty-five (25') feet in length with a minimum top butt of twelve (12") inches diameter at a point two (2') feet from the end. Every piling shall be placed on not more than five (5') foot centers. All tie rods shall be not less than one (1") inch in diameter, and not less than sixteen (16') feet in length and shall be set through each piling five (5') feet from the top. All anchor pilings shall be not less than fourteen (14') feet in length with butts of not less than ten (10") inches in diameter, two (2') feet from the end.
4. All bulkheads shall be set at elevation of plus fourteen (14') feet M.S.L. USCG Datum and unless tied with bulkheading substantially in accordance with these standards, shall have returns of not less than fifty (50') feet according to these specifications.
(Ord. No. 74-7)

11-4 CONSTRUCTION OFFICIAL.

11-4.1 Establishment of Office; Appointment. There shall be an officer of the Borough to be known as Construction Official appointed by the Mayor with the advice and consent of the Council, who shall have such assistants as may be appointed by the Mayor with the advice and consent of the Council; the Construction Official and the assistants shall receive such compensation as shall be authorized by the council. (Ord. No. 74-7)

11-4.2 Duties. The duties of the Construction Official shall be to:

- a. Inspect all plans and specifications, to determine that they comply with the provisions of this chapter and all ordinances of the Borough and with the laws of the State of New Jersey; to inspect all work in the course of erection, alteration, moving or razing of any buildings or structures in the Borough; to perform all the functions of a Construction Official. In case the Construction Official shall be employed in the erecting, altering or removing of any building in the Borough, the Mayor shall designate some other person to inspect his work.
- b. Report to the Mayor and Council all violations of any ordinances regulating the building, altering, moving or razing of any buildings in the Borough.
- c. Visit and inspect all buildings in the course of construction, alteration, moving or razing, as often as necessary, in order, that the requirements of this chapter are complied with.
- d. Visit and inspect, either upon his own judgment or upon reports having been made to him, of any building heretofore erected, for the purpose of determining whether such building is safe, both as to its strength and in all its heating appliances. In any case where the

11-4.5 Access to Buildings. The Construction Official shall have free access in his official capacity to any building in the course of construction or alteration at any reasonable hour. (Ord. No. 74-7)

11-5 INTERLOCAL SERVICE AGREEMENTS.

11-5.1 Electrical Inspection Agency. The Mayor and Municipal Clerk are hereby authorized and directed to enter into an Interlocal Services Agreement, also known as a Shared Services Agreement, and execute a contract with the Township of Stafford for performance of electrical inspection duties by the Stafford Township Inspection Department.

The Stafford Township Inspection Department shall serve as the electrical subcode inspection agency for the Borough of Surf City in accordance with the terms and conditions of the contract, a copy of which shall be kept on file and be available for inspection at the office of the Municipal Clerk during regular business hours. (Ord. No. 89-18 § 1; Ord. No. 95-15; Ord. No. 2008-10 § II)

11-5.2 Plumbing and Fire Subcode Services. The Mayor and Municipal Clerk are hereby authorized and directed to enter into an Interlocal Services Agreement, also known as a Shared Services Agreement, and execute a contract with the Township of Stafford designating the Stafford Township Inspection Department. As agent for the Borough of Surf City for the provision of all plumbing and fire services required in the provisions of the Uniform Construction Code Act N.J.S.A.52:27D-119 et seq. and the regulations promulgated thereunder.

The contract, a copy of which shall be kept on file will be available for inspection at the office of the Municipal Clerk during regular business hours. (Ord. No. 89-18 § 1; Ord. No. 95-15; Ord. No. 2008-10 § II)

11-6 PENALTY.

Any person violating a provision of this chapter shall be subject to the provisions of Chapter I, Section 1-5. (Ord No. 77-2 § 2; Ord. No. 82-12; New)

11-7 ADDITIONAL BUILDING REGULATIONS.**11-7.1 Permits; Validity.**

- a. Any permit which may have been issued by the Construction Official but under which no work has commenced, within three (3) months after the date of issuance, shall expire by limitation. All permits shall expire one (1) year after the date of issuance, and unfinished work shall require a new permit issued in the same manner as an original application.
- b. Upon change of any existing ordinance relating to building construction, any building permit pursuant to which the holder thereof shall not have begun actual construction may be revoked. Any permit may be revoked if construction once begun is not continued with reasonable diligence. Upon expiration of a permit, and upon payment of such fee as may then be required for an original permit, the expiring permit may be renewed if the proposed construction would not then be in violation of any existing ordinance, and provided the construction has been carried on with reasonable diligence, as to which the building inspector shall report to the Borough Council, which shall then make the determination as to whether the permit shall be renewed.
- c. The permit for the building operation shall be conspicuously displayed at the scene of operations at all times during the progress of work. It shall be placed on a temporary utility pole when such is used at job site, or a post similarly placed, otherwise in the most right