

NEW JERSEY ADMINISTRATIVE CODE
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*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 48 No. 10, May 16, 2016 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

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§ 5:23-4.40 (Reserved)

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(e) The construction official and subcode officials of the affected municipality shall have jurisdiction over all aspects of construction code enforcement in the affected municipality. The construction official may authorize the issuance of permits within the affected municipality by other licensed construction officials who provide assistance. If so authorized by the construction official of the affected municipality, licensed subcode officials providing assistance may exercise all functions of a subcode official within the affected municipality; if not so authorized, they shall exercise the functions of an inspector. All records of construction code enforcement activity in the affected municipality shall be the property of the affected municipality.

(f) The governing bodies of two or more municipalities, whether or not they are participating in the emergency building inspection program, may by resolution enter into agreements with each other for mutual construction code enforcement aid concerning the evaluation of buildings and structures affected by a natural or man-made disaster or emergency. Such agreements may provide for the reimbursement of the municipality or municipalities rendering such aid, including reimbursement for any damage to property and for payment to any official or employee of a local construction code enforcing agency for injuries sustained while serving pursuant to such agreements, or to a surviving spouse or other dependent in the event of death of that official or employee. A copy of any such agreement shall be filed with the Office of Regulatory Affairs, PO Box 818, Trenton, NJ 08625, by the local enforcing agencies concerned.

§ 5:23-4.26 Certification of building elements

(a) Building elements shall be certified in accordance with the following provisions:

1. Building elements, such as fire walls, fire separation walls, wall panels, pre-stressed/prefabricated floor or roof panels and pre-engineered structural frames, built in accordance with the New Jersey Uniform Construction Code, may be approved by (a)1i or ii below:

i. Approval for both design and construction by a nationally recognized laboratory or a product certification agency. The local municipal subcode official has the authority to accept such approvals based on the evidence, test and/or documentation presented to him or her;

ii. Approval for both design and construction by a professional engineer licensed either in the State of New Jersey or in the state of manufacture. The local municipal subcode official has the authority to accept such approvals based on the evidence, of test and/or documentation presented to him or her;

iii. If applicable, Fabricator Approval per Section 1704.2.2 of the building subcode is required for Class 1 buildings in addition to (a)1i or ii above.

§ 5:23-4.27 (Reserved)

§ 5:23-4.28 (Reserved)

§ 5:23-4.29 (Reserved)

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§ 5:23-4.25 Emergency building inspection program

(a) The emergency building inspection program is hereby established, pursuant to section 1 of P.L. 2007, c. 2 (*N.J.S.A. 52:27D-126.3*). In accordance with section 5 of P.L. 2007, c. 2 (*N.J.S.A. 52:27D-126.7*), participation in the emergency building inspection program is voluntary, but any municipality not enacting and filing a resolution of non-participation by February 15, 2008 shall be deemed to be participating, unless and until an opt-out resolution is later enacted and filed. Municipalities that later choose to participate may do so by enacting and filing a resolution of participation. All such resolutions of non-participation and of participation shall be effective upon filing with the Office of Regulatory Affairs, PO Box 818, Trenton, NJ 08625.

(b) Participating municipalities shall be responsible for the payment of any costs that they incur with regard to their own employees for regular and overtime pay, insurance coverage and liability, and for equipment and supplies used in the course of any assistance or deployment for the benefit of another municipality. In the event of a presidentially-declared disaster, participating municipalities shall, subject to Federal rules, be eligible for Federal reimbursement for costs incurred, even if they are not located within the disaster area.

(c) The Department shall provide the construction official of each participating municipality with contact information for construction officials and subcode officials of all participating municipalities, Department contact persons, and registered architects, licensed professional engineers and persons holding construction code licenses but not employed by participating municipalities who have volunteered to participate in the program. Such information shall be provided through the Department's "Permits NJ" Internet program and shall be a nonpublic record.

1. The list shall include information as to each person's name; home and office addresses; and home and office and cellular telephone numbers which shall have been provided to the Office of Regulatory Affairs, PO Box 818, Trenton, NJ 08625.

2. Licensed professional engineers, registered architects and persons who are licensed as construction officials, subcode officials or inspectors pursuant to this chapter but are not employed by a State or local enforcing agency shall be eligible to participate in the program. Any such individuals who wish to participate in the program shall provide the contact information required in (c)1 above to the Office of Regulatory Affairs for inclusion in the list. If and when such individuals are sent by the Department to assist a local enforcing agency in an emergency situation, they shall be deemed to be temporary employees of the Department.

(d) In the event of an emergency affecting a participating municipality for which assistance is required, the construction official, or any subcode official acting with authorization from the construction official, shall first call code officials in neighboring participating municipalities that are not themselves affected by the emergency. In the event of a regional emergency, or of any other emergency that requires assistance beyond that which would be available from neighboring participating municipalities, the construction official or authorized subcode official shall contact the designated contact person at the Department. The Department shall then deploy code officials in its employ and shall contact participating municipalities and persons participating in the program pursuant to (b) above and ask them to assist the municipality or municipalities affected by the emergency. In the event that the nature or scope of the emergency is such that voluntary assistance is insufficient, the Department shall first utilize its own employees. If more assistance is needed, the Department may then order the deployment of personnel from any participating municipality that is not itself affected by the emergency.

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review plans, applications and specifications submitted to the Department in its enforcing agency capacity, and as further required or permitted by this section.

(b) Plan review:

1. Plan review shall be required for all uses except as may be otherwise provided in the regulations whenever the department acts as an enforcing agency in any municipality.

2. Special or hazardous uses and types of construction:

i. N.J.A.C. 5:23-3 divides all construction into three classes according to its 'complexity and potential hazard to the public health and safety. N.J.A.C. 5:23-5 provides for three levels of subcode official certification which correspond to the three classes in N.J.A.C. 5:23-5.

ii. For class 1, department plan review and release shall be required on the effective date of the regulations prior to the issuance of a construction permit unless the municipal enforcing agency is classified as class 1.

iii. For class 2, department plan review and release shall be required after January 1, 1981, prior to the issuance of a construction permit unless the municipal enforcing agency is classified as class 1 or class 2.

iv. For class 3, departmental plan review shall not be required except when the department acts as the enforcing agency.

v. Installations of elevators, escalators, and moving walks, except devices in structures of Group R-3, R-4, or R-5 and those devices in structures of Group R-2 that are otherwise exempted in *N.J.A.C. 5:23-3.11(b)*, shall require Departmental plan review and release.

3. Premanufactured construction: Department plan review and release shall be required for all modular construction other than those authorized to be approved by an inplant inspection agency as provided in *N.J.A.C. 5:23-4A.10*.

(c) The plan review bureau shall review all applications, plans and specifications for conformance to the regulations.

(d) Plans reviewed by the Department that are judged to be in conformance with the regulations shall be stamped with the word "released" and signed and dated by the reviewing official of the Department.

(e) All plans submitted, and any amendments thereto, accompanied by the required fee, shall be numbered, docketed, and examined promptly after their submission for compliance with the regulations. In the case of plans submitted by an architect or engineer bearing his or her signature, registration number, and seal, plan examination may, except for compliance with exit requirements, be limited to a supervisory check.

(f) If the Department judges a plan not to be in conformance with the regulations, it shall notify the applicant in writing of the reason for rejection.

(g) The Department shall provide such technical assistance to the applicant as may be appropriate pursuant to the regulations.

(h) The municipal enforcing agency shall perform all field inspections required by the regulations, except that the Department shall have the right to perform partial or complete field inspection services for any project for which it has released plans.

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(e) Hourly charges and fees for development-wide inspection of homes after issuance of a certificate of occupancy shall be in such amount as may be reasonable and necessary in order to ascertain whether a violation exists or to verify that any work performed has abated the violation.

1. The hourly charge shall be the same as the hourly charge set forth at *N.J.A.C. 5:23-4.20(b)* 4 times the number of hours spent by the code official in determining whether a violation exists or verifying that any work performed has abated the violations.

2. Any appeal of a charge levied by the Department pursuant to this subsection shall be made in accordance with *N.J.A.C. 5:23-2.38*.

§ 5:23-4.21 Private enforcing agency authorization and reauthorization fees

(a) Authorization fee: Any onsite inspection agency submitting an application to the Department under *N.J.A.C. 5:23-4.12* for approval as an inspection agency shall pay a fee of \$ 2,800 for each subcode for which authorization is sought.

(b) Reauthorization fee:

1. Any onsite inspection agency submitting an application to the Department under *N.J.A.C. 5:23-4.12* for reapproval as an inspection agency shall pay a fee of \$ 1,400 for each subcode for which authorization is sought plus an amount equal to two percent of the gross revenue earned from State Uniform Construction Code enforcement activities during the previous 12-month period.

i. The fee of \$ 1,400 per subcode plus two percent of gross revenue earned from State Uniform Construction Code enforcement activities shall be applicable to all applications for authorization or reauthorization required to be filed on or after November 1, 2005.

2. The fee shall be paid to the Department in 12 equal installments, beginning with the month immediately following the end of the 12-month period for which the fee is calculated. Payment shall be made prior to the last business day of each month.

§ 5:23-4.22 (Reserved)

§ 5:23-4.23 Payment of fees

(a) All fees paid to the Department under the regulations shall be nonrefundable except as otherwise specifically set forth in the regulations. All fees shall be paid by check or money order, payable to the "Treasurer, State of New Jersey".

§ 5:23-4.24 Plan review by the Department of Community Affairs

(a) There is established in the Department of Community Affairs, Division of Codes and Standards, a Bureau of Construction Projects Review, hereinafter "the plan review bureau." The plan review bureau shall

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viii. The fee for an application for a variation in accordance with *N.J.A.C. 5:23-2.10* shall be \$ 821.00 for class 1 structures and \$ 168.00 for class 2 and class 3 structures. The fee for resubmission of an application for a variation shall be \$ 321.00 for class 1 structures and \$ 91.00 for class 2 and class 3 structures.

ix. The fee for a permit for lead hazard abatement work shall be \$ 196.00. The fee for a lead abatement clearance certificate shall be \$ 39.00.

4. For cross connections and backflow preventers that are subject to annual re-testing, the fee shall be \$ 12.00 for each device.

5. Annual permit requirements are as follows:

i. 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.

ii. Fees for annual permits shall be as follows:

(1) One to 25 workers (including foremen) \$ 933.00/worker; each additional worker over 25, \$ 329.00/worker.

(2) Prior to the issuance of the annual permit, a training registration fee of \$ 196.00 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the Department of Community Affairs, Bureau of Code Services, Education Unit along with a copy of the construction permit (Form F170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.

6. The fee for plan review for elevator devices in structures of Group R-3, R-4, or R-5, and for elevator devices wholly within dwelling units in structures of Group R-2 shall be \$ 70.00 for each device.

7. The fee for plan review for elevator devices in structures of Groups other than R-3, R-4, or R-5 and devices in structures of Group R-2 exempted by (c)6 above shall be \$ 365.00 for each device.

8. The fees for elevator device inspections and tests shall be as set forth in *N.J.A.C. 5:23-12*.

9. The fee for a mechanical inspection in a structure of Group R-3 or R-5 by a mechanical inspector shall be \$ 60.00 for the first device and \$ 15.00 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

10. The fee for the annual electrical inspection of a swimming pool, spa, or hot tub shall be \$ 50.00. The fee for the annual electric inspection of each additional swimming pool, spa, or hot tub on a site shall be \$ 34.00.

(d) The fee for an application by a manufacturer, distributor, owner or any other person for approval of any fixture, appurtenance, material or method, pursuant to *N.J.A.C. 5:23-3.8*, shall be an amount equal to the cost incurred, or to be incurred, by the Department for such tests as the Department may require, plus an administrative surcharge in the amount of 10 percent of such cost.

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(5) The fee for each gas or oil fired appliance that is not connected to the plumbing system shall be \$ 65.00.

(6) The fee for each kitchen exhaust system shall be \$ 65.00.

(7) The fee for each incinerator shall be \$ 511.00.

(8) The fee for each crematorium shall be \$ 511.00.

(9) For single and multiple station smoke or heat detectors and fire alarm systems in any one or two-family dwellings, there shall be a flat fee of \$ 33.00 per dwelling unit. For detectors and fire alarm systems in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iv(2) above.

(10) The fee for replacement of an existing transmission means as per *N.J.A.C. 5:23-2.17A(c)5v* shall be \$ 35.00.

3. Fees for certificates and other permits are as follows:

i. The fee for a demolition or removal permit shall be \$ 92.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one- or two-family dwellings (Group R-3 or R-5 of the building subcode), structures on farms, including commercial farm buildings under *N.J.A.C. 5:23-3.2(d)*, and \$ 168.00 for all other Groups.

ii. The fee for a permit to construct a sign shall be as follows:

(1) Fees for pylon signs shall be \$ 6.00 per square foot for the first 100 square feet, \$ 4.75 per square foot for the next 400 square feet, and \$ 3.50 per square foot thereafter;

(2) Fees for ground signs or wall signs shall be \$ 3.00 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;

(3) The minimum fee shall be \$ 65.00.

iii. The fee for a certificate of occupancy shall be \$ 39.00.

iv. The fee for a certificate of occupancy granted pursuant to a change of use group shall be \$ 168.00.

v. The fee for a certificate of continued occupancy issued under *N.J.A.C. 5:23-2.23(c)* shall be \$ 168.00.

vi. The fee for the first issuance and the renewal of a temporary certificate of occupancy shall be \$ 39.00.

(1) Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at that time.

(2) Exception: Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (such as uncompleted work required by prior approvals from state or municipal agencies), no renewal fee shall be charged.

vii. The fee for plan review of a building for compliance under the alternate systems and non-depletable energy source provisions of the energy sub-code shall be \$ 383.00 for one- and two-family dwellings (Group R-3 or R-5 of the building subcode), and for light commercial structures having the indoor temperature controlled from a single point, and \$ 1,915 for all other structures.

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(8) For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual loadside panel boards shall be charged in accordance with (c)2iii(3), (4) or (5) above. There shall be no additional fee charged for the concurrent installation of individual feeder conductors.

(9) 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, starters, and disconnecting means.

(10) For electrical work requiring replacement of service entrance conductors or feeder conductors only, the fee shall be based on the designated ampere rating of the overcurrent device of the service or feeder as follows:

- (A) 225 amperes or less, the fee shall be \$ 65.00;
- (B) 226 to 1,000 amperes, the fee shall be \$ 129.00; and
- (C) Greater than 1,000 amperes, the fee shall be \$ 640.00.

(11) The fee charged for process equipment shall be based on the ampere rating of the overcurrent device protecting the conductor feeding the process equipment or the cutoff device.

(12) 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.

(13) For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar photovoltaic system as follows:

- (A) One to 50 kilowatts, the fee shall be \$ 65.00;
- (B) Fifty-one to 100 kilowatts, the fee shall be \$ 129.00; and
- (C) Greater than 100 kilowatts, the fee shall be \$ 640.00.

iv. For fire protection and hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators, and crematoriums, the fee shall be as follows:

(1) The fee for 20 or fewer heads shall be \$ 91.00; for 21 to and including 100 heads, the fee shall be \$ 168.00; for 101 to and including 200 heads, the fee shall be \$ 321.00; for 201 to and including 400 heads, the fee shall be \$ 831.00; for 401 to and including 1,000 heads, the fee shall be \$ 1,150; for over 1,000 heads, the fee shall be \$ 1,469.

(2) The fee for one to 12 detectors shall be \$ 50.00; for each 25 detectors in addition to this, the fee shall be in the amount of \$ 17.00.

(3) The fee for each standpipe shall be \$ 321.00.

(4) The fee for each independent pre-engineered system shall be \$ 129.00.

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hot water boilers (excluding those for domestic water heating), active solar systems, sewer pumps, and interceptors. There shall be no inspection fee charged for gas service entrances.

iii. 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 \$ 50.00; for each additional block consisting of up to 25 receptacles, fixtures, or devices, the fee shall be \$ 9.00. 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, communications 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 one hp or one kw to 10 hp or 10 kw; for each transformer or generator rated from one kw or one kilovolt-amperes (kva) to 10 kw or 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 16 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 \$ 15.00.

(3) For each motor or electrical device rated from greater than 10 hp or 10 kw to 50 hp or 50 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated from greater than 10 kw or 10 kva to 45 kw or 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 \$ 65.00.

(4) For each motor or electrical device rated from greater than 50 hp or 50 kw to 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated from greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated from greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva, the fee shall be \$ 129.00.

(5) For each motor or electrical device rated greater than 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kw or 112.5 kva, the fee shall be \$ 640.00.

(6) The fee charged for electrical work for each permanently installed private swimming pool as defined in the building subcode, spa, hot tub, or fountain shall be a flat fee of \$ 77.00, which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panelboards and underwater lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with (c)2iii(1) through (5) above.

(7) The fee charged for the installation of single and multiple station smoke or heat detectors and fire, burglar, or security alarm systems in any one or two-family dwelling shall be a flat fee of \$ 33.00 per dwelling unit. For fire, burglar, and security alarm systems and detectors in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iii(1) and (2) above.

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tural 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.

(3) Fees for renovations, alterations, and repairs or site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connection for premanufactured construction shall be based upon the estimated cost of work. The fee shall be in the amount of \$ 34.00 per \$ 1,000 for the first \$ 50,000, prorated. 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, prorated. 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, prorated. For the purpose of determining estimated cost, the applicant shall submit to the Department 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 Department shall make the final decision regarding estimated cost.

(4) Fees for additions shall be computed on the same basis as for new construction for the added portion.

(5) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with (c)2i(3) and (4) above.

(6) The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be \$ 129.00.

(7) The fee for roofing and siding work completed on structures of Group R-3 or R-5 shall be \$ 65.00.

(8) The fee for an above-ground swimming pool shall be \$ 140.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$ 70.00. The fee for an in-ground swimming pool shall be \$ 210.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$ 106.00.

(9) Fees for retaining walls shall be as follows:

(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 \$ 210.00;

(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 \$ 106.00; and

(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.

ii. Plumbing fixtures and equipment: The fees shall be as follows:

(1) The fee shall be in the amount of \$ 15.00 per fixture, piece of equipment, or appliance connected to the plumbing system, and for each appliance connected to the gas piping or oil piping system, except as indicated in (c)2ii(2) below.

(2) The fee shall be \$ 91.00 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone, and pressure vacuum breaker backflow preventers), steam boilers,

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2. The plan review fee for renovations, alterations, repairs, site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and external utility connections for pre-manufactured construction shall be based upon the estimated cost of work.

i. For health care facilities in Use Groups B or I, the fee shall be \$ 20.00 per \$ 1,000 or part thereof for estimated cost not exceeding \$ 50,000, \$ 16.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 50,000 and not exceeding \$ 100,000, and \$ 13.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 100,000; and

ii. For all other buildings or structures, the fee shall be \$ 15.00 per \$ 1,000 or part thereof for estimated cost not exceeding \$ 50,000, \$ 11.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 50,000 and not exceeding \$ 100,000, and \$ 10.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 100,000.

3. The elevator device plan review fee shall be as set forth in (c)6 and 7 below.

4. There shall be an additional fee of \$ 64.00 per hour for review of any amendment or change to a plan that has already been released.

5. In any case where the Department conducts plan review for a local enforcing agency, the fee charged by the local enforcing agency for inspection services shall be 80 percent of the fee that would otherwise be determined under the local fee schedule.

(c) Departmental (enforcing agency) fees shall be as follows:

1. The fee for plan review shall be 20 percent of the amount to be charged for a construction permit.

i. The elevator device plan review fee shall be as in (c)6 and 7 below.

ii. The fee for plan review for Statewide prototype plans released by the Department or for other prototype plans where the prototype did not include the foundation detail shall be five percent of the amount to be charged for a construction permit.

2. The basic construction permit 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 rating of electrical devices, the number of sprinklers, standpipes, and detectors (smoke and heat) at the unit rates, and/or the applicable flat fees as provided in this subchapter plus any special fees.

i. Building volume or 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 \$ 0.038 per cubic foot of volume for buildings and structures of all groups and types of construction as classified and defined in Chapters 3 and 6, respectively, of the building subcode;

(2) The fee shall be \$ 0.021 per cubic foot of volume for groups A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1, and S-2, and the fee shall be \$ 0.0011 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 \$ 1,602.

(A) 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 agricul-

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TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

N.J.A.C. 5:23-4 (2016)

3. No fee shall be collected for permits for the construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income, as defined in *N.J.A.C. 5:43-1.5*.

4. No fee shall be collected for demolition of buildings or structures.

5. No fee shall be collected for work consequential to a natural disaster when the local code enforcement agency is waiving its fee.

6. The minimum permit surcharge fee shall be \$ 1.00.

(c) Remitting and reporting:

1. The municipality shall remit fees to the Bureau on a quarterly basis, in conjunction with report number R-840B State Training Fee Report in accordance with *N.J.A.C. 5:23-4.5(e)*. Fees remitted shall be for the quarter. Checks shall be made payable to "Treasurer, State of New Jersey."

§ 5:23-4.20 Department fees

(a) General:

1. The fee for plan review, computed as a percentage of the fee for a construction permit, shall be paid at the time of application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued. Plan review fees are not refundable.

2. The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.

3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.

4. Where the Department, pursuant to *N.J.A.C. 5:23-4.24*, is designated as the plan review agency, or when the Department has been requested to provide plan review services by a municipality pursuant to *N.J.A.C. 5:23-4.24*, or when the Department is designated as the local enforcing agency pursuant to *N.J.A.C. 5:23-4.3*, the following schedule of fees shall pertain.

5. The construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income shall be exempted from the fees set forth in (b) and (c) below and otherwise payable to the Department.

6. No fee shall be collected for work consequential to a natural disaster when the Department is the local enforcing agency.

(b) Departmental plan review fee:

1. The plan review fee for new construction shall be based upon the volume of the structure.

i. For buildings or structures in Use Groups A, F, or S, the plan review fee shall be \$.014 per cubic foot;

ii. For health care facilities in Use Groups B or I, the plan review fee shall be \$.031 per cubic foot; and

iii. For all other buildings or structures, the plan review fee shall be \$.022 per cubic foot.

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