

Chapter 29A

CONSTRUCTION CODES, UNIFORM

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[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 1-18-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Buildings, moving of — See Ch. 27.
Buildings, numbering of — See Ch. 28.
Certificates of occupancy — See Ch. 28A.
Fire safety code, uniform — See Ch. 34.
Flood damage prevention — See Ch. 36.
Housing standards — See Ch. 39.
Land development — See Ch. 40.

§ 29A-1. Enforcing agency established; subcode officials designated.

- A. There is hereby established in the Borough of Helmetta a State Uniform Construction Code enforcing agency to be known as the "Helmetta Uniform Construction Code Enforcement Agency," consisting of a Construction Official, Building Subcode Official and such assistants as the Mayor and Borough Council may from time to time, by resolution, deem necessary, and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs,

State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency.

- B. Each official position created in Subsection A hereof shall be filled by a person qualified for such position pursuant to N.J.S.A. 52:27D-119 et seq., the amendments thereof and supplements thereto, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to N.J.S.A. 52:27D-119 and N.J.A.C. 5:23 to hold each such position.
- C. The public shall have the right to do business with the enforcing agency at one office location, except for emergencies and unforeseen or unavoidable circumstances. Said office shall be located in the Municipal Building, Main Street, Helmetta, New Jersey.
- D. The position of Zoning Officer in the Borough of Helmetta is hereby established within the office of the Helmetta Uniform Construction Code Enforcement Agency. The Zoning Officer shall administer and enforce the provisions of, and be empowered with those duties and responsibilities as set forth in, the land development and zoning ordinances of the Borough.¹ [Added 4-26-1995 by Ord. No. 6-1995]

§ 29A-2. Right to appeal; Appeals Board. [Amended 6-21-1989; 7-19-1989]

- A. Notice of violation.

¹ Editor's Note: See Ch.40, Land Development, which is published in a separate volume.

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- (1) Right to appeal. Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of or governing standards adopted by reference in this code or of any rule or regulation adopted pursuant thereto, except for provisions or governing standards set forth in the latest edition of the BOCA Basic Property Maintenance Code, shall have the right to appeal such notice of violation in accordance with the provisions of the New Jersey Administrative Code and particularly Section 5:23-2.34 et seq.
 - (2) Hearing. Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of or of any rule or regulation adopted pursuant to the BOCA Basic Property Maintenance Code as adopted by reference in this code may request and shall be granted a hearing on the matter before a local Board of Appeals, as herein established, provided that such person shall file in the office of the Board, a written petition requesting such hearing and containing a statement of the grounds therefor within 20 days after the day the notice was served.
- B. Appeals Board. In order to protect existing structures in the Borough of Helmetta by vigorous enforcement of the provisions of this code, there shall be and is hereby created a Property Maintenance Code Appeals Board, hereafter referred to as the "Board," consisting of five members who shall be appointed by the chief executive of the municipality.
- (1) Membership.
 - (a) Said Board shall consist of five residents of the Borough of Helmetta, appointed by the Mayor, with the advice and consent of the Council, including one person skilled in real estate and property management for at least two years; one general contractor for at least three years;

one registered architect or other professional person for at least three years; one citizen who is a renter for at least two years; and one citizen who is a homeowner for at least two years. There shall also be appointed one member to act as Chairman, who will serve one year.

- (b) Each member shall have been a resident of the Borough of Helmetta for at least one year prior to appointment. The renter member and the homeowner member shall resign if their status as renter or homeowner is changed. There may also be appointed for a term of one year an alternate member of such Board in addition to the five members above provided for, who shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. Thereafter, all appointments shall be for a period of two years. Each member shall serve until a successor has been appointed. The code official of the borough shall appoint one member of the Department who shall act as Secretary to the Board.
- (2) Vote. The Board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly or may modify the decision appealed from and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.
- (3) Financial interest. A member of the Board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest or is engaged as a contractor or is engaged in the preparation of plans and specifications or in which that member has any personal interest.

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- (4) Records. The Secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Board.

§ 29A-3. Compensation of subcode officials.

The Construction Official, the subcode officials and any assistants shall be paid such salaries as may be set forth in the annual Salary Ordinance of the Borough of Helmetta.²

§ 29A-4. Fees.

A. [Amended 10-11-1978 by Ord. No. 2-78; 12-15-1983; 2-28-1996 by Ord. No. 3-1996] The fee for a construction permit shall be the sum of the subcode fees listed in Subsection A(1) through (3) hereof and shall be paid before the permit is issued.

- (1) The building subcode fee shall be:
 - (a) The fee for new construction shall be fixed on an annual basis by resolution of the governing body.
 - (b) The fee for renovations, alterations and repairs shall be fixed on an annual basis by resolution of the governing body.
 - (c) The fee for reroofing, without structural change, shall be fixed on an annual basis by resolution of the governing body.
 - (d) The fee for the installation of fences shall be fixed on an annual basis by resolution of the governing body.

² Editor's Note: See Ch. 15. Salaries and Compensation.

- (e) The fee for the installation of aboveground pools shall be fixed on an annual basis by resolution of the governing body.
 - (f) The fee for the installation of in-ground pools shall be fixed on an annual basis by resolution of the governing body.
 - (g) The fee for the assembly inspection of premanufactured or mobile housing on a foundation shall be fixed on an annual basis by resolution of the governing body.
- (2) The plumbing subcode fee shall be fixed on an annual basis by resolution of the governing body.
- (a) The fees for plumbing fixtures, devices and plumbing stacks to be installed shall be fixed on an annual basis by resolution of the governing body.
 - (b) The fee for special devices for grease traps, oil separators and water-cooled air-conditioning units shall be fixed on an annual basis by resolution of the governing body.
- (3) The electrical subcode fees shall be as follows:
- (a) Receptacles or fixtures. For the purpose of computing this fee, receptacles or fixtures shall include lighting outlets, wall switches, fluorescent fixtures, convenience receptacles or similar fixtures. The fees shall be established by the borough and revised from time to time as necessary.
 - (b) Motors or electrical devices. For the purpose of computing this fee, all motors shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current. The fees shall be established by the

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borough and revised from time to time as necessary.

- (c) The fee for a permit for change in service shall be established by the borough and revised from time to time as necessary.
- (4) The fee for plan review shall be established by the borough and revised from time to time as necessary.
- (5) The fee for a demolition permit shall be established by the borough and revised from time to time as necessary.
- (6) The fee for a permit for the removal of a residential building or structure from one lot to another or to a new location on the same lot and the fee for any other type of structure other than one used for residential purposes shall be established by the borough and revised from time to time as necessary.
- (7) Signs.
 - (a) The fee for a permit to construct a sign shall be established by the borough and revised from time to time as necessary.
 - (b) In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for purposes of the fee computation.
- (8) Certificate of occupancy.
 - (a) The fee for a certificate of occupancy shall be established by the borough and revised from time to time as necessary.
 - (b) The fee for a certificate of continued occupancy granted pursuant to a change of use group shall be established by the borough and revised from time to time as necessary.
 - (c) There shall be no fee for a temporary certificate of occupancy.

(d) The fee for a multiple certificate of occupancy shall be established by the borough and revised from time to time as necessary.

B. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Mayor and Council, biannually, a report recommending a fee schedule based on the operating expenses of the Agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.

C. Surcharge fee.

(1) In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations³, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee as established by the borough and revised from time to time as necessary. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31, and June 30, and not later than one month next succeeding the end of the quarter for which it is due. In the fiscal year in which the regulations first become effective, said fee shall be collected and remitted for the third and fourth quarters only. [Amended 2-28-1996 by Ord. No. 3-1996]

(2) The enforcing agency shall report annually, at the end of each fiscal year, to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first

³ Editor's Note: "The regulations" refers to the regulations established by the Commissioner of the Department of Community Affairs.

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become effective, said report shall be for the third and fourth quarters only.

**§ 29A-5. Governing standards adopted by reference.
[Amended 12-26-1985]**

- A. The Borough of Helmetta Uniform Construction Code enforcement agency shall be governed by:
- (1) The latest edition of the BOCA Building Code.
 - (2) The latest edition of the National Plumbing Code.
 - (3) Latest edition of the National Electrical Code.
 - (4) The latest edition of the BOCA Basic/National Fire Prevention Code. **[Amended 5-5-1986]**
 - (5) Statutory regulations. **[Amended 7-24-2002 by Ord. No. 11-2002]**
 - (a) The Borough of Helmetta Uniform Construction Code enforcement agency shall be governed by the State Uniform Construction Code Act known as N.J.A.C. 5:23-3.
 - (b) All of the subcodes, subchapters and sections set forth in N.J.A.C. 5:23-3 et seq. are hereby adopted by reference and incorporated herein as if set forth at length herein.
- B. All of said codes are hereby adopted by reference and incorporated herein as if set forth at length herein.