

**TOWNSHIP OF FRANKLIN  
O-16-21  
REPLACING CHAPTER 190-2 ENTITLED CONSTRUCTION CODES, UIFORM – FEES,  
OF THE CODE OF THE TOWNSHIP OF FRANKLIN**

**WHEREAS**, the Township Committee of the Township of Franklin have determined that certain amendments to the Code of the Township of Franklin are required.; and

**WHEREAS**, the New Jersey Department of Community Affairs performed an analysis of the fees set forth in Chapter 190, entitled Construction Codes, Uniform, Section 190-2 – Fees, of the Code of Franklin Township and determined the fees were at the low end of the State minimum fees established; and

**WHEREAS**, the fees are used to finance the activities of the Construction Office which activities are directly related to the amount of construction activity; and

**WHEREAS**, the Township Committee seeks to have the fees set at an appropriate level in relation to the activity required by township personnel

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Franklin that Chapter 190 Construction Code, Uniform, Subsection 190-2 - Fees is hereby repealed in its entirety

**BE IT FURTHER ORDAINCE** that Chapter 190 Construction Code, Uniform, Subsection 190-2 – Fees, as set forth in exhibit A is hereby adopted.

This Ordinance shall take effect upon final passage and publication according to law.

If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency. This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

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Barbara Freijomil, Clerk

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John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on January 26, 2021 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on February 23, 2021 at which time any person interested therein will be given an opportunity to be heard.

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Barbara Freijomil, Municipal Clerk

Introduced January 26, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				

Adopted February 23, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				

# **Exhibit A**

## Chapter 190 Buildings

### Uniform Construction Code

#### § 190-1. Enforcing Agency established; subcode officials designated; office location.

A.

There is hereby established in the Township of Franklin a State Uniform Construction Code Enforcing Agency to be known as the "Franklin Township Construction Code Enforcing Agency," consisting of a Construction Code Official, Building Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official, Plumbing Subcode Official, Elevator 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 Code 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 P.L. 1975, c. 217, as amended, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agent 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 P.L. 1975, c. 217, 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 the office location except for emergencies and unforeseen or unavoidable circumstances. Upon the enactment date of this article, the Township Clerk shall post in his office and publish, in an official newspaper of the Township, notice of the location of the Franklin Township Construction Code Enforcing Agency, together with, upon adoption of, a designating resolution by the Township Council of the names, addresses and business telephone numbers of the code offices and all subcode officials or their duly appointed designees.

D.

Central permit office. The Township of Franklin shall establish a central permit office under the direction and supervision of the Township Construction Code Official, which office shall be at the same location as the Franklin Township Construction Code Enforcing Agency. This office shall receive applications for construction permits and plan review; issue construction permits and certificates of occupancy; collect fees, penalties and fines; and issue notices and orders. The office shall be open during normal business hours at times to be determined by the Township. These times shall be posted in a conspicuous place and shall be comparable with the amount of construction activity in the Township. Nothing herein shall prevent the Township from establishing branch offices, but the public shall not, unless in the case of an emergency or unforeseen or unavoidable circumstances, be required to do business except at the central office.

E.

Notice to start. At least 24 hours' notice of the start of work under a construction permit shall be given to the Construction Code Official.

#### § 190-2 Construction permit fees.

A.

Plan review. 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. At the enforcing agency's discretion plan review fees may be collected at time of permit issuance.

Plan review fees are not refundable. All fees are established pursuant to N.J.A.C. 5:23-4.18(b). Plan review fees shall be not less than 20% nor more than 25% of the amount charged for the construction permit. Plan review fees for prototype plans shall be 20%. All amounts paid are to be rounded to the nearest dollar.

B

(1)

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.

(a)

Building volume or cost. The fees for new construction or alteration are as follows:

[1]

Fees for new construction shall be based upon the cubic footage 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. The unit rate for large, open-volume buildings such as barns, silos, greenhouses, warehouses, distribution centers and other agricultural, recreational and storage-use buildings shall be \$0.024 per cubic foot of volume, maximum fee \$1,602.

[2]

Fees for renovations, alterations and repairs or on-site construction, associated preengineered systems of commercial farm buildings, preengineered systems of commercial farm buildings, premanufactured construction and the external utility connections for premanufactured construction and nonresidential fences over six feet in height shall be based upon the estimated cost of the work. The fee shall be in the amount of \$34 per \$1,000. The fee for reroofing of use group R-5 shall not exceed \$75. The fee for re-siding of use group R-5 shall not exceed \$75. For the purpose of determining estimated cost, the applicant shall submit to the 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 enforcing agency 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 as the sum of the fees computed separately in accordance with Subsection **C(1)(a)[2]** and **[3]** above.

[5]

The fee for tents in excess of 900 square feet or more than 30 feet in any dimension shall be \$129.

[6]

The fee for residential fences over six feet in height, or used as a pool barrier, shall be \$50.

[7]

The fee for in-ground pools shall be \$150 up to 550 square feet and \$210 for over 550 square feet.

[8]

The fee for above-ground pools shall be \$100 up to 550 square feet and \$140 for over 550 square feet.

[9]

The fee for tank removal shall be \$50.

[10]

The fee for complete masonry fireplaces shall be \$100.

[11]

The fee for wood-burning stoves and similar devices shall be \$50.

[12]

The fee for structural towers shall be \$150.

[13]

The fee for retaining walls greater than 550 square feet associated with a Class III structure shall be \$210. The fee for retaining walls with a surface area 550 square feet or less associated with a

Class III structure shall be \$106. The fee for retaining walls in other than Class III structures shall be based on cost of construction.

[14]

In addition to the fees set forth in Subsection **C(1)(a)[1]** through **[13]** above, there shall be added a fee in the amount of \$0.00334 per cubic foot of volume of new buildings and additions and a fee in the amount of \$1.70 per \$1,000 of value of consideration for all other construction in accordance with N.J.A.C. 5:23-4.19(b), known as the "state training fee." All volume shall be computed in accordance with N.J.A.C. 5:23-2.28.

(b)

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

[1]

The fee shall be \$15 per fixture, piece of equipment or appliance connected to the plumbing system, and for each appliance connected to gas piping or an oil piping system except as listed in Subsection **C(1)(b)[2]** below.

[2]

The fee shall be \$91 per special device for the following: grease traps, oil separators, water-cooled air-conditioning units, water connections, sewer connections, refrigeration units, utility service connections, backflow preventers, steam boilers, hot-water boilers (excluding those for domestic water heating), gas piping, gas service entrances, active solar systems, sewer pumps, interceptors and LP gas cylinder, sump pump and pressure booster pump.

[3]

The fee for a LP fuel pipe other than heaters shall be \$91, as stated above.

[4]

The fee for a lawn sprinkler shall be \$40.

[5]

The fee for a swimming pool heater, including the gas piping, shall be \$75.

[6]

The fee for a tank install LPG shall be \$91, as stated above.

[7]

The fee for annual reinspection for all backflow preventer devices that are designed to be field tested and isolate cross-connections between water supply and contaminants shall be \$75.

[8]

The fee for a visual inspection by the Plumbing Subcode Official to determine if a backflow preventer device is located on site, prior to annual certification, shall be \$75.

[9]

Mechanical inspections performed by a plumbing inspector in R-3, R-4, or R-5 shall be \$75 for the first device and \$15 for each additional device.

(c)

Electrical fixtures and devices.

[1]

For from one to 50 receptacles or fixtures, the fee shall be in the amount of \$75; and for each 25 receptacles or fixtures in addition to this, the fee shall be in the amount of \$15. For the purpose of computing this fee, receptacles or fixtures shall include lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, smoke and heat detectors or similar fixtures and motors or devices of less than or equal to one horsepower or one kilowatt.

[2]

For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower and for transformers and generators greater than one kilowatt and less than or equal to 10 kilowatts, the fees shall be \$20.

[3]

For each motor or electrical device greater than 10 horsepower and less than or equal to 50 horsepower, for each service panel, service entrance or subpanel less than or equal to 200 amperes and for all transformers and generators greater than 10 kilowatts and less than or equal to 45 kilowatts, the fee shall be \$65.

[4]

For each motor or electrical device greater than 50 horsepower and less than or equal to 100 horsepower, for each service panel, service entrance or subpanel greater than 200 amperes and

less than or equal to 1,000 amperes and for transformers and generators greater than 45 kilowatts and less than or equal to 112.5 kilowatts, the fee shall be \$150.

[5]

For each motor or electrical device greater than 100 horsepower, for each service panel, service entrance or subpanel greater than 1,000 amperes and for each transformer or generator greater than 112.5 kilowatts, the fee shall be \$640.

[6]

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.

[7]

The fee for in-ground swimming pool bonding shall be \$90. The fee for above-ground swimming pool bonding shall be \$60.

[8]

The fee for annual reinspection for pools, spas and hot tubs shall be \$75. Additional pools on same property shall be \$50 each.

[9]

The fee for fire or burglar or security alarm systems or intercom systems or central vac systems shall be \$50.

[10]

The fee for an A/C unit shall be \$50. The fee for an electric range shall be \$50. The fee for a garbage disposal shall be \$15. The fee for a central heater, gas or oil, shall be \$50. The fee for each light standard shall be \$10, with a minimum fee of \$50. The fee for a dishwasher shall be \$15. The fee for a hydromassage tub shall be \$15. The fee for a spa/hot tub shall be \$50. The fee for an electric water heater shall be \$50. The fee for a rain sensor for a sprinkler system shall be \$25. The fee for replacement of electric heating, cooling and kitchen cooking equipment in R-2, R-3 or R-5 shall be \$30 per appliance.

[11]

The fee for photovoltaic systems shall be based on the designated kilowatt rating of the solar photovoltaic system as follows: one to 50 kilowatts, the fee shall be \$65; 51 to 100 kilowatts, the fee shall be \$129; and greater than 100 kilowatts, the fee shall be \$640.

(d)

Fire protection and other hazardous equipment; sprinklers, standpipes, detectors (smoke and heat), preengineered suppression systems, gas- and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums.

[1]

The fee for 20 or fewer sprinkler heads shall be \$90; for 21 to 100 sprinkler heads, the fee shall be \$168; for 101 to 200 sprinkler heads, the fee shall be \$321; for 201 to 400 sprinkler heads, the fee shall be \$831; for 401 to 1,000 sprinkler heads, the fee shall be \$1,150; and for over 1,000 sprinkler heads, the fee shall be \$1,469. The fee for 12 or fewer smoke detectors shall be \$50; the fee for each additional 25 smoke detectors shall be \$17. In computing fees for heads and detectors, the number of each shall be counted separately and two fees, one for heads and one for detectors, shall be charged.

[2]

The fee for each standpipe shall be \$321.

[3]

The fee for each independent pre-engineered system shall be \$129.

[4]

The fee for each gas- or oil-fired appliance which is not connected to the plumbing system shall be \$65.

[5]

The fee for each kitchen exhaust system shall be \$65.

[6]

The fee for each incinerator shall be \$511.

[7]

The fee for each crematorium shall be \$511.

[8]

The fee for a fire pump shall be \$100.

[9]

The fee for a metal chimney shall be \$100.

[10]

The fee for a wood-burning stove shall be \$100. The fee for a fireplace shall be \$100.

[11]

The fee for a smoke control system shall be \$150.

[12]

The fee for a tank install (combustible, flammable) shall be \$100.

(2)

Certificates and other permits. The fees are as follows:

(a)

The fee for a demolition or removal permit shall be \$92 for a structure less than 5,000 square feet in area and less than 30 feet in height, for one- and 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 for all other groups.

(b)

The fee for a permit to construct a sign shall be \$75.

(c)

The fee for a certificate of occupancy shall be \$50 for one- or two-family dwellings and 10% of total permit fee for a commercial building; and the fee for a continued certificate of occupancy for a residential property shall be \$168, and \$250 when work has been performed without a construction permit.

(d)

The fee for a business certificate of occupancy granted pursuant to a change of use group shall be \$250.

(e)

The fee for a business certificate of continued occupancy shall be \$168 (no change in use group). The fee for a certificate of continued occupancy within a covered mall building shall be \$50.

(f)

The fee for the first temporary certificate of occupancy (60 days) shall be \$50. The fee for the first thirty-day extension to a temporary certificate of occupancy shall be \$50. The fee for the second thirty-day extension to a temporary certificate of occupancy shall be \$50. The exception fee is \$0 for a temporary certificate at first issuance provided the certificate fee is paid on time.

(g)

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 \$393 for one- and two-family homes and for light commercial structures having the indoor temperature controlled from a single point and \$1,915 for all other structures.

(h)

The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$821 for Class I structures and \$168 for Class II and Class III structures.

(i)

The fee for a permit for lead hazard abatement work shall be \$196. The fee for a lead abatement clearance certificate shall be \$40.

(3)

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 work. Fees shall be as follows:

(a)

One to 25 workers, including foreman: \$933 per worker; each additional worker over 25: \$329 per worker.

(b)

Prior to the issuance of the annual permit, a training registration fee of \$196 per subcode and a list of at least one, but not more than three, individuals to be trained per subcode shall be submitted by the applicant to the Municipal Construction Official, who shall forward the fee and list to the Department of Community Affairs, Bureau of Code Services, Training Section along with a copy of the construction permit (Form F-170C). 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.

D.

For those construction permit fees not specifically designated by this article or established by rules and regulations of the Construction Code Official in the manner hereinafter established for the adoption of other fee schedules, each such fee is established in the regulations of the Department of Community Affairs (Title 5, Chapter **23**, of the New Jersey Administrative Code, presently or as hereafter amended), and those fees set forth within the regulations shall be applied in determining the construction permit fee.

E.

Other fee schedules. When required, the Construction Code Official shall cause to be prepared a schedule of fees for those subcode permits and inspections not set forth in Subsections **A** and **B** hereof, which schedule of proposed fees shall be forwarded to the Township Council. The Township Council shall then be required to authorize the publication of the proposed fee schedule(s) in an official newspaper of the Township and designate within that notice a time and place for public hearing on the proposed schedule(s). A copy of the proposed fee schedule(s) subsequent to the Township Council's authorization for public hearing, but at least five days prior thereto, shall be posted in the office of the Township Clerk for public inspection. Subsequent to public hearing on the proposed fee schedule(s), the Township Council may modify, adopt or reject, in whole or in part, the proposed fee schedule(s). The fee schedule finally adopted and confirmed by the action of the Township Council shall then be published by the Township Clerk in an official Township publication. Three copies of the fee schedule as adopted shall be kept in the office of the Construction Code Official, the subcode official affected, if any, and the Township Clerk. Amendments, modifications or repeal of any fee schedule so adopted pursuant to the provisions of this section, unless established by ordinance, shall be made in the same manner provided in this section.

F.

Waiver of construction surcharges or fees. No person shall be charged a construction permit surcharge fee or enforcement agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein. It is further provided that a disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his/her own living unit. For the purposes of this subsection, "disabled persons" are defined pursuant to N.J.A.C. 52:27D-126e. The determination of disability and necessity shall be decided by the governing body.

G.

The fee for development-wide inspection of homes after issuance of a certificate of occupancy ordered pursuant to N.J.A.C. 5:23-2.35 shall follow the guidelines found in 5:23-4.17(d)4 and 5:23-4.18.

### § 190-3 Preparation of biannual report.

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

### § 190-4 Collection of surcharge fee.

A.

In order to provide for the training and certification and technical support programs required by the Act, an enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. Said fee shall be accounted for and forwarded to the Bureau of Regulatory Affairs in the manner herein provided.

B.

Amount. This fee shall be in the amount of \$0.00265 per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The fee for all other construction shall be \$1.35 per \$1,000 of value of construction.

(1)

No fee shall be collected for preengineered systems of commercial farm buildings.

(2)

No fee shall be collected for permits to perform asbestos abatement or lead abatement.

C.

Remitting and reporting. 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."

## § 190-5 Applications for permits; expiration and cancellation of permits.

A.

The Franklin Township Construction Code Enforcing Agency shall examine each application for a construction permit. If the application conforms with this article, it shall approve the application and shall issue a construction permit to the applicant. Every application for a construction permit shall be granted, in whole or in part, or denied within 20 business days. If the application is denied in whole or in part, the Franklin Township Construction Code Enforcing Agency shall set forth the reasons therefor in writing. If the Franklin Township Construction Code Enforcing Agency fails to grant, in whole or in part, or deny any application for a construction permit within the period of time prescribed herein, such failure shall be deemed a denial of the application for purposes of an appeal to the Gloucester County Construction Board of Appeals unless such period of time has been extended with the consent of the applicant. The Franklin Township Construction Code Enforcing Agency may approve changes in plans, and specifications when so changed do not require site plan approval. Except as otherwise provided in this article, the construction or alteration of a building or structure shall not be commenced until a construction permit has been issued. The construction of a building or structure shall be in compliance with the approved application for a construction permit and all conditions of site plan approval, if required.

B.

A construction permit issued in accordance with Subsection **A**, pursuant to which no construction has been undertaken within one year from the time of issuance, or if construction ceases for a period of six months, the permit shall expire. The Franklin Township Construction Code Enforcing Agency may suspend, revoke or cancel a construction permit in case of neglect or failure to comply with the provisions of this article or the code, or upon finding by it that a false statement or representation has been made in the application for the construction permit.

## § 190-6 Inspections; right of entry; stop-construction orders; house numbers.

A.

The Franklin Township Construction Code Enforcing Agency shall periodically inspect all construction undertaken pursuant to the construction permit issued by it to ensure that the construction or alteration is performed in accordance with law and with the conditions of the construction permit.

B.

The owner of any premises upon which a building or structure is being constructed shall be deemed to have consented to the inspection by the Franklin Township Construction Code Enforcing Agency of the entire premises and of any and all construction being performed on it until a certificate of occupancy has been issued. An inspector, or team of inspectors, on presentation of proper credentials, shall have the right to enter and inspect such premises and any and all construction thereon, for purposes of ensuring compliance with the provisions of the applicable construction permit and other applicable laws and regulations. All inspections pursuant to this article shall be between the hours of 9:00 am. and 5:00 p.m.; however, those inspections may be conducted at other times if the Franklin Township Construction Code Enforcing Agency has reasonable cause to believe that an immediate danger to life, limb or property exists or if permission is given by an owner or his agent, architect, engineer or builder. No person shall

accompany an inspector or team of inspectors on any inspection pursuant to this article unless his presence is necessary for the enforcement of this article or the Act (P.L. 1975, c. 217) and regulations adopted pursuant thereto (N.J.A.C. 5:23) or unless consent is given by an owner or his agent, architect, engineer or builder.

C.

If the construction of a structure or building is being undertaken contrary to the provisions of a construction permit, this article or other applicable laws or ordinances, the Franklin Township Construction Code Enforcing Agency may issue a stop-construction order in writing, which order shall state the conditions upon which construction may be resumed and which shall be given to the owner or the holder of the construction permit or to the person performing the construction. If the person doing the construction is not known or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction. No person shall continue or cause or allow to be continued the construction of a building or structure in violation of a stop-construction order, except with the permission of the Franklin Township Construction Code Enforcing Agency to abate a dangerous condition or remove a violation or except by court order. If an order to stop construction is not obeyed, the Franklin Township Construction Code Enforcing Agency may apply to the appropriate court as otherwise established by law for an order enjoining the violation of the stop-construction order. The remedy for violation of such an order provided in this subsection shall be in addition to, and not in limitation of, any other remedies provided by law or ordinance.

D.

Neither an appeal to the Gloucester County Construction Board of Appeals nor an appeal to the Department of Community Affairs nor an appeal to a court of competent jurisdiction shall automatically stay any order to stop construction issued pursuant to this article or prevent the seeking of an order in a court of competent jurisdiction to enjoin the violation of a stop-construction order.

E.

The owner or occupant of every parcel of real property in the Township of Franklin upon which is located a home, store, business or any other use or building shall, within 90 days from the adoption of this article, attach upon his mailbox, the front of the house or at some other place that is visible from the road, house numerals signifying the street address of the parcel of land upon which said structure is located. Each numeral shall have a minimum height of three inches and a minimum width of two inches. The numbers shall be affixed in a manner to permit the same to be observable from the street or curblin of said property.

## § 190-7 Indemnity bonds.

In connection with the provisions of this article and the State Uniform Construction Code hereby established and adopted as a part hereof, the following indemnity bonds shall be posted in respect to each specific section hereinafter cited, which sections are hereby amended to read as follows:

A.

Wrecking bonds. The owner or person to whom a permit has been issued to wreck or demolish a building shall provide a bond in the amount of \$5,000 which shall require the completion of the work, the clearing and filling-in of the site and which will protect and indemnify the municipality against loss or damage

B.

Moving bonds. The owner of a building to be moved shall furnish a bond in the amount of \$1,000 which shall require the completion of work and the restoration of the site as provided by this article and the State Uniform Construction Code and protect and indemnify the Township against loss or damage.

C.

Modification of performance guaranty indemnity bonds. Where required, the Construction Code Official may require each owner or person required to post bond in such amount in excess of that required in Subsections **A** and **B** hereof, and the Construction Code Official may accept, in lieu of bond, cash or such other security approved by the Township Attorney.

## § 190-8 Statutory authorization; conflicting provisions.

This article is adopted pursuant to the provisions of the State Uniform Construction Code Act, Chapter 217, Laws of New Jersey 1975 (N.J.S.A. 52:27D-119 et seq.), and state regulations implementing said Act (N.J.A.C. 5:23). In the event of any ambiguities, inconsistencies or conflicts between the terms and provisions of this article of this chapter of the Monroe Township Code and

the State Uniform Construction Code Act and state regulations aforesaid, the provisions set forth and the standards established in the Act and regulations shall apply.

## § 190-8 Violations and penalties.

### A.

The following shall be subject to a penalty of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both: any person or corporation, including an officer, director or employee of a corporation, who:

#### (1)

Violates any of the provisions of this article.

#### (2)

Constructs a structure or building in violation of a condition of a building permit.

#### (3)

Fails to comply with any order issued by the Franklin Township Construction Code Enforcing Agency or its designee.

#### (4)

Makes a false or misleading written statement or omits any required information or statement in any application or request for approval to the Franklin Township Construction Code Enforcing Agency or its designees, or any agency or board of the Township.

### B.

Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this article or who unreasonably interferes with such an inspection shall be subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both.

### C.

With respect to Subsection **A(3)** of this section, a person shall be guilty of a separate offense for each day that he fails to comply with a stop-construction order validly issued by the Franklin Township Uniform Construction Code Enforcing Agency or its designees, and any other agency or department authorized by law, and for each week that he fails to comply with any other order validly issued by the Franklin Township Construction Code Enforcing Agency or its designees, or other agency or department. With respect to Subsection **A(1)** and **(4)** of this section, a person shall be guilty of a separate offense for each violation of any provision of this article and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to the Franklin Township Uniform Construction Code Enforcing Agency or its designees, or other agency or department authorized by law. With respect to Subsection **A(2)** of the section, a person shall be guilty of a separate offense for each violation of the conditions of a construction permit.

### D.

All penalties hereunder may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A 2A:58-1 et seq.).

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

### **CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on November 23, 2021 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on December 14, 2021 at which time any person interested therein will be given an opportunity to be heard.

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Barbara Freijomil, Municipal Clerk

Introduced November 23, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Doyle				
Deegan				
Petsch-Wilson				
Flaim				
Bruno				

Adopted December 14, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Doyle				
Deegan				
Petsch-Wilson				
Flaim				
Bruno				