

## **§ 10-1. UNIFORM CONSTRUCTION CODE ENFORCING AGENCY.**

### **§ 10-1.1. Enforcing Agency Established. [1990 Code § 10-1.1]**

- a. There is hereby established in the City a State Uniform Construction Code Enforcing Agency, to be known as the "Lambertville Construction Code Agency," 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 codes 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. The organization of the Lambertville Construction Code Agency, the responsibilities and duties of the various officials and subcode officials within the agency and the responsibility of such agency and the officials thereof and various other municipal subdivisions, boards or agencies of the City, shall be as may be defined and described by the Mayor and Council.
- c. 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, as amended, 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 P.L. 1975, c. 217 and N.J.A.C. 5:23, to hold each such position.
- d. 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.

### **§ 10-1.2. Appeals. [1990 Code § 10-1.2]**

Persons aggrieved by a decision of the enforcing agency may appeal such decision to the Construction Board of Appeals established by the Board of Chosen Freeholders of Hunterdon County.

### **§ 10-1.3. Fees for a Construction Permit. [1990 Code § 10-1.3; Ord. No. 2004-06; Ord. No. 2004-15; Ord. No. 2005-17; Ord. No. 2007-14; Ord. No. 2008-02; Ord. No. 2009-02; Ord. No. 2009-17; Ord. No. 14-2011; Ord. No. 09-2013; Ord. No. 07-2016; Ord. No. 27-2017]**

- a. Fees. The fee for a construction permit in Lambertville or any interlocal arrangement shall be the sum of the subcode fees listed in Subsection a1(a) through a6(d) hereof and shall be paid prior to the issuance of a permit. Twenty percent of the construction permit fee shall be considered as the plan review fee, which will be paid at the enforcing agency's office at the time the permit application is submitted and is nonrefundable. The plan review fee for prototype plans shall be 5% of the amount to be charged for a construction permit. **[Amended 6-20-2019 by Ord. No. 13-2019]**
  1. Building Subcode Fees.
    - (a) Fees for new construction shall be based upon the volume of the structure. This fee shall be in the amount of \$0.080 per cubic foot, except that agricultural structures

on farms shall be in the amount of \$0.025. **[Amended 5-20-2021 by Ord. No. 13-2021]**

- (b) Fees for renovations, alterations, repairs, commercial roofing, commercial siding, and for foundations and on-site work for premanufactured construction or relocated structures, the fee shall be based upon the estimated cost of work. The City reserves the right to require a copy of actual contracts or current market price evaluation based on common estimating practices; or an architect or engineer's cost estimate; or actual third-party estimates. The cost shall include all labor and material (including bartered, donated, free, etc., labor and/or materials). This fee shall be as follows: **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (1) \$39 per \$1,000 of estimated cost of work up to \$50,000 of estimated cost of construction;
  - (2) \$35 per \$1,000 for estimated cost of work from \$50,001 to \$100,000 estimated cost of construction; and
  - (3) \$31 per \$1,000 for additional costs over \$100,000 estimated cost of construction.
- (c) The fee for temporary structures shall be based on the volume of the structure. The building subcode fee shall be \$0.035 per cubic foot. Electric, plumbing and fire subcode fees shall be based on the normal fee schedule. All structures for which volume cannot be computed shall be \$95. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (d) Fees for additions shall be computed on the same basis as for new construction (volume) for the added portion.
- (e) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with Subsection a1(a) and (b) above.
- (f) The fee for construction or installation of a single-family residential in-ground swimming pool shall be \$265. The fee for construction or installation of all other use group in-ground swimming pools shall be \$375. The fee for aboveground pools shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (g) The fee for construction or installation of retaining walls shall be as follows: **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (1) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a single Class 3 residential structure shall be \$160.
  - (2) The fee for a retaining wall with a surface area of more than 550 square feet that is associated with a single Class 3 residential structure shall be \$310.
  - (3) The fee for all other retaining walls shall be based on the cost of work as follows:
    - (i) \$22 per \$1,000 of estimated cost of work up to \$50,000;

- (ii) \$18 per \$1,000 of estimated cost of work from \$50,001 to \$100,000;
  - (iii) \$14 per \$1,000 of estimated cost of work over \$100,000.
- (h) In Use Groups R-3, R-4 or R-5 single-family detached dwellings the fee for the construction and/or renovation of a deck up to 150 square feet shall be \$158; 151 square feet to 250 square feet shall be \$252; and over 250 square feet shall be \$368. All other use groups shall be based on the cost of the work. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (i) The installation of sheds over 200 square feet shall be a minimum of \$185. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (j) The fee for a residential roof or siding replacement shall be \$116 and for commercial roof or siding replacement shall be based on the cost of work. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (k) The fee for a demolition and/or removal permit of a building or structure shall be \$160 for Class 3 residential and \$289 for all other use groups, provided that the fee shall be \$80 for structures under 400 square feet in area. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (l) (Reserved)<sup>1</sup>
- (m) The fee to construct or erect a sign shall be \$3.50 per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (n) The minimum fee for the building technical section shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
2. Plumbing Subcode Fees.
- (a) The fee shall be in the amount of \$28 per fixture or stack such as sinks, water closets, urinals, bath tubs, showers, clothes washers, dishwashers, hose bibs, gas piping per outlet, condensate pump, etc., except as listed below in Subsection a2(b) and (c). **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (b) The fee for domestic hot water heater replacement shall be \$95.
- (c) The fee for special devices shall be \$115 for the following: grease traps, oil separators, water-cooled air-conditioning units, air-conditioning compressors, refrigeration units, hot water boilers, fuel oil piping, new gas service and underground gas lines, interceptors, water and sewer connections, active solar systems, sewer pumps. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (d) For equipment listed in N.J.A.C. 5:23-2.23(1) such as backflow preventers, high pressure boilers, refrigeration systems, etc., the fee shall be \$95 for the first device

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1. Editor's Note: Former Subsection l, regarding underground storage tanks, was repealed 5-20-2021 by Ord. No. 13-2021. See Subsection a4(t).

and \$25 for additional similar devices in the same building.

- (e) The minimum fee for the plumbing technical section shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**

3. Electrical Subcode Fees.

- (a) For from one to 25 devices, receptacles or fixtures, the fee shall be in the amount of \$80; for each additional device, receptacle or fixture in addition to this, the fee shall be in the amount of \$2 per device, receptacle or fixture. For the purpose of computing this fee, devices, receptacles or fixtures shall include but are not limited to the following: lighting outlets or fixtures, switches, fluorescent fixtures, receptacles, light standards less than eight feet in height, communication points, alarm devices, and other panels or devices rated less than 20 amps, smoke and heat detectors, or similar fixtures, and motors or devices of less than or equal to one horsepower or one kilowatt. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (b) For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower; and for photovoltaic system arrays, greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be \$50. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (c) For each motor or electrical device greater than 10 horsepower and less than or equal to 25 horsepower; for photovoltaic system arrays, greater than 10 kilowatts and less than or equal to 25 kilowatts or kva; the fee shall be \$75. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (d) For each motor or electrical device greater than 26 horsepower and less than or equal to 50 horsepower; and for photovoltaic system arrays, greater than 26 kilowatts and less than or equal to 50 kilowatts or kva, the fee shall be \$130. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (e) For each motor or electrical device greater than 51 horsepower and less than or equal to 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 51 kilowatts and less than or equal to 100 kilowatts or kva, the fee shall be \$210. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (f) For each motor or electrical device greater than 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 100 kilowatts or kva, the fee shall be \$840. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (g) Equipment, devices rated by kilowatt or kva include but are not limited to the following: electric ranges/receptacles, ovens, surface units, electric hot water heaters, electric dryers/receptacles, dishwashers, central AC units, baseboard heaters, transformers, generators, steam shower units or any other devices consuming or generating electrical current. Equipment or devices rated by horsepower include but are not limited to the following: garbage disposals, motors, etc. Space heaters or air handlers may be rated by HP, kW or kva.
- (h) For each service, panel or motor control and for inverters, panels and disconnects

for photovoltaic systems, rated up to 100 amps the fee shall be \$100. **[Amended 5-20-2021 by Ord. No. 13-2021]**

- (i) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 101 amps up to 200 amps the fee shall be \$185. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (j) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 201 amps up to 400 amps the fee shall be \$380. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (k) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated over 400 amps the fee shall be \$840. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (l) For all the following: signs; fire, security, burglar control stations; communication control units; smoke, heat, fire, burglar alarm systems in one- and two-family dwellings; utility load management devices; lighting standards over eight feet, the fee shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (m) For in-ground pools the fee shall be \$235. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (n) For spas, hot tubs, or fountains the fee shall be \$160. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (o) For storable or portable pools the fee shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (p) For a swimming pool bonding certificate of compliance the fee shall be \$95.
  - (q) Transformers and generators less than or equal to 20kw shall be \$105. Transformers and generators greater than 20kw and less than or equal to 50kw shall be \$185. Generator panels shall follow Subsection a3(h) through (k) above. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (r) The minimum fee for the electrical technical section shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
4. Fire Subcode Fee.
- (a) The fee for sprinkler systems shall be \$135 for up to 12 heads. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (b) For 13 to and including 40 heads the fee shall be \$210. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (c) For 41 to and including 100 heads the fee shall be \$370. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (d) For all heads over 100 the fee shall be \$3 per head. **[Amended 5-20-2021 by Ord. No. 13-2021]**

- (e) The fee for each standpipe shall be \$340. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (f) The fee for each independent pre-engineered suppression system shall be \$235. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (g) The fee for each gas- or oil-fired appliance shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (h) The fee for each kitchen exhaust system shall be \$235. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (i) The fee for spray booths exhaust system shall be \$340. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (j) The fee for a wood/coal burning stove, fireplace inserts, pre-fab or masonry fireplace shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (k) The fee for dry pipe, pre-action or sprinkler alarm valves and for smoke, heat detectors and manual fire alarms shall be \$135 for up to 12 alarms, except that, for hard-wired and interconnected alarms for one- and two-family residential, the fee shall be \$95 for up to 12 alarms. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (l) Each device over 12 shall be \$9 each. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (m) The fee for R3, R4 and R5 fire alarm systems shall be \$95.
- (n) The fee for fire pumps shall be \$445 each. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (o) The fee for incinerators shall be \$445 each. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (p) The fee for crematoriums shall be \$445 each. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (q) The fee for unit heaters shall be \$80 each. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (r) The fee for chimney relining shall be \$80. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (s) The fee for the installation of any underground fuel storage tank up to 550 gallons shall be \$160. The fee for the aboveground fuel storage tanks up to 550 gallons shall be \$80. For tanks 551 to 1,000 gallons, the fee shall be \$210. For tanks over 1,001 gallons, the fee shall be \$420. **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (t) The fee for removal or abandonment of underground storage tanks shall be \$132 each for tanks up to 1,000 gallons and \$205 each for tanks over 1,001 gallons. **[Added 5-20-2021 by Ord. No. 13-2021<sup>2</sup>]**

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2. Editor's Note: This ordinance also redesignated former Subsections t and u as Subsections u and v.

- (u) The fee for a fire sprinkler water storage tank shall be \$290. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (v) The minimum fee for the fire technical section for one- or two-family residential shall be \$80 and for all other use groups shall be \$135. **[Amended 5-20-2021 by Ord. No. 13-2021]**
5. Certificates and Other Special Fees. The fees for certificates shall be as follows:
- (a) Certificate of occupancy, residential (single-family): \$185, except the fee for a certificate of occupancy for pools, decks and small additions (under 400 square feet) is \$50. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (b) Certificate of occupancy, other than single-family: \$370. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (c) Certificate of occupancy for changes in use group: \$370. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (d) Certificate of approval: no fee.
  - (e) Continued certificate of occupancy: \$370 per unit or tenant space. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (f) Temporary certificate of occupancy, renewal fee shall be as specified at N.J.A.C. 5:23-4.18(f)3. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (g) Certificate of compliance: no fee.
  - (h) The fee for asbestos or lead abatement projects shall be as follows:
    - (1) The administrative fee for each construction permit issued for an asbestos hazard abatement project shall be as specified at N.J.A.C. 5:23-8.9.
    - (2) The administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be as specified at N.J.A.C. 5:23-8.9.
    - (3) The fee for a permit for lead hazard abatement projects shall be \$200. **[Amended 5-20-2021 by Ord. No. 13-2021]**
    - (4) The fee for a lead abatement clearance certificate shall be \$40. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (i) The fee for a variation request application shall be \$130 for Class 3 residential; \$315 for Class 3 other than residential and Class 2; and \$900 for Class 1 buildings. The fee for resubmission of an application for a variation shall be 1/2 of the original fee if required by the Construction Official. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (j) The fee for an application for the construction board of appeals shall be as specified by the Hunterdon County Construction Board of Appeals application.

- (k) A fee of \$120 per hour may be charged for review of any amendment or change to a plan that has already been released, or any other additional work required by ordinance or interlocal agreement. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (l) The fee for a zoning permit is \$50.
  - (m) The fee for a Flood Hazard Area Development permit shall be \$185 plus any applicable City engineering review costs, if required by the City Engineer. **[Amended 5-20-2021 by Ord. No. 13-2021]**
  - (n) The fee to reinstate a lapsed permit shall be 50% of the initial permit fee provided such application is made within one year from the date the initial permit lapsed. Thereafter, the fee to reinstate a lapsed permit shall be based on the current fee schedule.
  - (o) The fee for an annual permit shall be charged annually, and shall be a flat fee based on the number of maintenance workers (excluding managers, engineers and clerks) who are primarily engaged in work governed by a subcode (building/fire, electrical and plumbing). Fees shall be as follows: **[Amended 5-20-2021 by Ord. No. 13-2021]**
    - (1) One through 25 workers (including foreman or forewoman): \$1,600 per worker.
    - (2) Each additional worker over 25: \$475 per worker.
  - (p) Prior to the issuance of the annual permit a training registration fee of as specified in N.J.A.C. 5:23-4.20(c)5ii(2) 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 F-170). 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. **[Amended 5-20-2021 by Ord. No. 13-2021]**
6. Exempt Fees.
- (a) No fees shall be charged for construction of any permitted building or structure owned by the City of Lambertville or any of its respective agencies.
  - (b) Newly constructed and rehabilitated residential units that are to be legally restricted to occupancy by households of low income may qualify for reduced fees or be exempt from construction permit fees as authorized by City Council on an individual basis, except for the state training fee.
  - (c) Pursuant to N.J.S.A. 52:27D-126e and 40:55D-8, no person shall be charged a construction permit surcharge fee or enforcing 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 for any of the facilities contained therein. 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 or her own living unit. For purposes of this subsection, the term "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 Federal Social Security Act (42 U.S.C. § 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. § 231, et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this subsection, the term "blindness" means central visual acuity of 20/200 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 20° shall be considered as having a central visual acuity of 20/200 or less.

- (d) Outside Agency Fees. Notwithstanding any other fee hereinafter set forth, when the City has retained a private on-site inspection or plan review agency to carry out subcode official responsibility, no fee charged shall exceed the amount paid by the City to that private agency plus 30%.
7. The mechanical inspector fee for construction Use Groups R-3 and R-5 shall be: **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (a) First device: \$80.
  - (b) Each additional device: \$40.
8. Construction Records Clearance (CRC). **[Amended 5-20-2021 by Ord. No. 13-2021]**
- (a) When required. A construction records clearance (CRC) shall be required prior to the sale or change of tenant of any residential or commercial structure. In that event, there shall be no change in occupancy of a building or structure, in whole or part, prior to the issuance of a CRC.
  - (b) Responsibility. No owner shall permit the sale of a residential or commercial premises covered under this section unless the requisite CRC has been issued. No purchaser or new tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least two months prior to the change of ownership and/or occupancy on the form provided by the Township.
  - (c) Preoccupancy records search. Prior to the issuance of any such certificate for any transaction, the enforcing agency shall conduct a records search to ensure that there are no open construction permits on subject premises. Should there be open permits on subject premises, all necessary inspections, payment of fees due, and prior approvals shall be obtained and appropriate Uniform Construction Code certificates shall be issued prior to issuance of the CRC. The Construction Official

may, at his discretion, exempt any active and ongoing permits or projects from the CRC.

- (d) Fees. The applicant shall submit with the application the fee for the CRC to cover the administrative cost in accordance with the following schedule based on the number of days prior to closing or occupancy change:
  - (1) One to five business days: \$180.
  - (2) Six to 15 business days: \$90.
  - (3) Sixteen to 40 business days: \$45.
- (e) Validity. The CRC will only be valid for a period of 90 days and shall only apply to any permits issued prior to the CRC application and shall not apply to any permit applications submitted after the CRC application.
- (f) Violations and penalties.
  - (1) Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by a fine not exceeding \$2,000, imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days.
  - (2) The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.
  - (3) Certificates are valid for all permits issued up to the date of the CRC certificate issuance and must be renewed for each sale or occupancy change.
- b. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the City, 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. In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee as specified in N.J.A.C. 5:23-4.19. 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, the fee shall be collected and remitted for the third and fourth quarters only. 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 become effective, said report shall be for the third and fourth quarters only.

#### **§ 10-1.4. Fire Limits. [1990 Code § 10-1.4]**

The establishment of fire limits pursuant to N.J.A.C. 5:23 is reserved and shall be further

established by amendment to this section on such date as may hereafter be established.

**§ 10-1.5. Violations and Penalties. [1990 Code § 10-1.5]**

- a. Any person or corporation, including an officer, director or employee of a corporation, who:
  1. Violates any of the provisions of this section or rules promulgated hereunder;
  2. Constructs a structure or building in violation of a condition of a building permit;
  3. Fails to comply with any order issued by an enforcing agency or the Department;
  4. Makes a false or misleading written statement or omits any required information or statement in any application or request for approval to an enforcing agency or the Department, shall be subject to a penalty of not more than \$2,000 per offense.  
**[Amended 5-20-2021 by Ord. No. 13-2021]**
- b. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this chapter or who unreasonably interferes with such an inspection shall be subject to a fine of not more than \$250.
- c. With respect to paragraph a.3 above, 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 an enforcing agency or the Department. With respect to paragraphs a.1. and a.4 above, a person shall be guilty of a separate offense for each violation of any provision of this chapter or rule promulgated hereunder and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the Department. With respect to paragraph a.2 above, a person shall be guilty of a separate offense for each violation of the conditions of a construction permit.
- d. The penalties pursuant to this subsection may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.). Jurisdiction to enforce such penalties is hereby conferred upon judges of the Municipal Court in addition to the courts specified by N.J.S.A. 2A:58-11. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted in the case of a suit brought by a municipality to the Chief Financial Officer and in the case of a suit brought by the State of New Jersey, to the State Treasurer.

**§ 10-1.6. Waiver of Construction Permit Fees. [8-19-2014 and Ord. No. 22-2014; amended 5-20-2021 by Ord. No. 13-2021; 8-17-2023 by Ord. No. 25-2023]**

- a. The Mayor and Council shall have the authority to waive construction permit fees for residents and businesses when impacted by a natural disaster such as a flood or pandemic.
- b. Construction permit fees shall be waived by the Construction Office where residents and businesses decide to undertake mitigation efforts to reduce potential damage due to flooding, which efforts shall include any of the following: elevating the first floor of a structure to two feet above the base flood elevation (BFE), filling a basement and adding flood vents to a structure, elevating mechanical equipment to a minimum of two feet above the BFE, flood-proofing a commercial building, relocating a structure to outside of the floodplain and/or

demolishing a structure.

## **§ 10-2. UNFIT DWELLINGS.**

### **§ 10-2.1. Adoption of New Jersey State Housing Code as Standard. [1990 Code § 10-2.1; New]**

Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1) the "New Jersey State Housing Code" under N.J.A.C. 5:28.1 et seq. is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use.

### **§ 10-2.2. Purpose. [1990 Code § 10-2.2]**

Whenever there is found to exist within the limits of the City of Lambertville, any building or buildings which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities or due to other conditions rendering such building or buildings, or part thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the City, the City of Lambertville, in the exercise of its police power, as conferred upon it under the provision of N.J.S.A. 40:48-2.3 et seq. shall take such action as necessary to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings or part thereof in accordance with the procedures set forth herein.

### **§ 10-2.3. Definitions. [1990 Code § 10-2.3]**

As used in this section:

**BUILDING** — Shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**GOVERNING BODY** — Shall mean the Mayor and City Council of the City of Lambertville.

**OWNER** — Shall mean the holder or holders of the title in fee simple.

**PARTIES IN INTEREST** — Shall mean all individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

**PUBLIC AUTHORITY** — Shall mean any housing authority or any officer who is in charge of any department or branch of the government of the City, County or State relating to health, fire, building regulations, or to other activities concerning buildings in the City.

**PUBLIC OFFICER** — Shall mean the officer, officers, board or body authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinances and by this act.

### **§ 10-2.4. Enforcement Officer. [1990 Code § 10-2.4]**

The Construction Official shall be the public officer designated to exercise the powers prescribed by this section.

**§ 10-2.5. Complaint Process. [1990 Code § 10-2.5]**

- a. Whenever a petition is filed with the Construction Official by a public authority or by at least five residents of the City charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the Construction Official, on his own motion, that any building is unfit for human habitation or occupancy or use, the Construction Official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Construction Official (or his designated agent) at a place therein fixed not less than seven days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the Construction Official.
- b. If, after such notice and hearing, the Construction Official determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:
  1. Requiring the repair, alteration or improvement of the building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have the building vacated and closed within the time set forth in the order; and
  2. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the time specified in the order, then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.
- c. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Construction Official may cause such building to be repaired, altered or improved, or to be vacated and closed. The Construction Official may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
- d. If the owner fails to comply with an order to remove or demolish the building, the Construction Official may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor.
- e. The amount of:
  1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this section determined in favor of the municipality, and
  2. Such cost of such repairs, alterations or improvements, or vacating and closing, or

removal or demolition, if any, or

3. The amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Construction Official, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the Construction Official, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

#### **§ 10-2.6. Actual and Immediate Danger. [1990 Code § 10-2.6]**

If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the Construction Official may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

#### **§ 10-2.7. Alternative Remedies. [1990 Code § 10-2.7]**

Nothing contained herein shall be construed to impair or limit in any way the City's power to define and declare nuisances and to cause their removal or abatement, by summary proceeding or otherwise, nor is anything in this section intended to limit the authority of the Construction Official under the State Uniform Construction Code Act, P.L. c.217 (C.52:27D-119 et. seq.) or any other rules or regulations adopted thereunder.

#### **§ 10-2.8. Standards. [1990 Code § 10-2.8]**

The Construction Official may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the City; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness.

**§ 10-2.9. Service of Complaints and Orders. [1990 Code § 10-2.9]**

Complaints or orders issued by the Construction Official pursuant to this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained in the exercise of reasonable diligence, the Construction Official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the County and circulating in the municipality in which the buildings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the County Recording Officer of the County in which the building is located.

**§ 10-2.10. Remedies. [1990 Code § 10-2.10]**

Any person aggrieved by an order issued by the Construction Official under this section may, within 30 days after the posting of service of such order, bring an action for injunctive relief to restrain the Construction Official from carrying out the provisions of the order and for any other appropriate relief. The court may proceed on the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the Construction Official shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the Construction Official.

**§ 10-2.11. Additional Powers of the Construction Official. [1990 Code § 10-2.11]**

The Construction Official shall have the following additional powers to enable him to carry out and effectuate the purposes and provisions of this section:

- a. To investigate the building conditions in the City in order to determine which buildings therein are unfit for human habitation or occupancy or use;
- b. To administer oaths, affirmations, examine witnesses and receive evidence;
- c. To enter upon premises for the purpose of making examinations; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the section; and
- e. To delegate any of his functions and powers under the section to such officer and agents as he may designate.

**§ 10-2.12. Administration. [1990 Code § 10-2.12]**

The Mayor and Council shall as soon as possible prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in the City for the purpose of determining the fitness of such buildings for human habitation or occupancy or use, and for the enforcement and administration of this section, and may make such appropriations from revenues as may be necessary for this

purpose and may accept and apply grants and donations to assist in carrying out the provision of this section.

**§ 10-2.13. Nonexclusive Remedy. [1990 Code § 10-2.13]**

Nothing in this section shall preclude the City from enforcing any other section or regulations; nor from punishing violations thereof. The powers conferred by this section shall be in addition and supplemental to the power conferred by any other section.

**§ 10-3. OPEN HOUSING.**

**§ 10-3.1. Title. [1990 Code § 10-3.1]**

The Mayor and Council ordains that this section shall be known as "The Lambertville Open Housing Regulations."

**§ 10-3.2. Definitions. [1990 Code § 10-3.2]**

As used in this section:

COMMERCIAL HOUSING — Shall mean housing accommodations held or offered for sale or rent by a real estate broker, salesman or agency, or by any other person pursuant to authorization of the owner, by the owner himself, or by legal representative, but shall not include any personal residence offered for rent by the owner or lessee thereof or by a broker, salesman, agent or employee.

HOUSING ACCOMMODATIONS — Shall mean and include:

- a. Any building or structure or portion thereto which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and
- b. Any vacant land offered for sale or lease for commercial housing.

PERSON — Shall mean and include one or more individuals, partnerships, associations, organizations, corporations, legal representative, trustees in bankruptcy or receivers.

It also includes, but is not limited to, any owner, lessor, assigner, builder, manager, broker, agent, employer, lending institution and all political subdivisions, authorities, boards, and commissioners.

PERSONAL RESIDENCE — Shall mean a building or structure containing living quarters occupied or intended to be occupied by no more than two individuals, two groups or families living independently of each other and used by the owner or lessee thereof as a bona fide residence.

**§ 10-3.3. Prohibition of Discriminatory Practices. [1990 Code § 10-3.3]**

It shall be unlawful discriminatory practice for any persons to:

- a. Refuse to sell, lease, finance or otherwise to deny or withhold commercial housing from any



person because of race, color, religious creed, ancestry, sex or national origin of any prospective owner, occupant or user of such commercial housing to any person due to use of a guide dog because of the blindness of the user.

- b. Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing from any person because of the race, color, religious creed, ancestry, sex or national origin of any present or prospective owner, occupant or user of such commercial housing.
- c. Discriminate against any person in the terms or conditions of selling or leasing of any commercial housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any commercial housing because of race, color, religious creed, ancestry, sex or national origin or any present or prospective owner, occupant or user of such commercial housing, or to discriminate against any person in terms of leasing any commercial housing or in furnishing facilities, services or privileges in connection with the occupancy or use of any commercial housing due to use of guide dog because of the blindness of the user.
- d. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, or repair or maintenance of commercial housing because of the race, color, religious creed, ancestry, sex or national origin of any present or prospective owner, occupant or user of such commercial housing.
- e. Print, publish or circulate any statement or advertisement relating to the sale, lease or acquisition of any commercial housing or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance specification, or discrimination based upon race, color, religious creed, ancestry, sex or national origin, or to print, publish or circulate any statement or advertisement relating to the lease of any commercial dwelling which indicates any preference, limitation, specification or discrimination based upon use of a guide dog because of the blindness of the user.

#### **§ 10-4. SCAFFOLDING AND OTHER TEMPORARY PLATFORMS.**

##### **§ 10-4.1. Declaration of Intent. [1990 Code § 10-4.1]**

The Mayor and Council hereby declare the intent to regulate, in a manner consistent with the interests and to insure the protection and safety of the citizens of the City, the location, use, placement and construction of temporary construction platforms.

##### **§ 10-4.2. Compliance Required. [1990 Code § 10-4.2]**

No person shall encumber or obstruct any street, highway, public lane, alley, sidewalk or other public place in the City by placing therein or thereon any scaffolding or other temporary construction platforms used in the construction, repair or maintenance of buildings except in compliance with the provisions of this section.

**§ 10-4.3. Definitions. [1990 Code § 10-4.3; Ord. No. 2010-13]**

As used in this chapter:

**ENFORCEMENT OFFICER** — Shall mean the Construction Code Official of the City of Lambertville.

**SCAFFOLDING** — Shall mean a temporary platform, manlift, ladder and planks, pump jacks, frame or similar means used chiefly to support workmen and materials in the construction, maintenance and/or repairs of buildings.

**§ 10-4.4. Encroachments. [1990 Code § 10-4.4; Ord. No. 2010-13]**

- a. The placement of a scaffold upon a sidewalk, street, highway or any other public place within the limits of the City, by any person other than agents or employees of the City is hereby prohibited unless a permit for the placement of the scaffold is obtained from the Construction Official, pursuant to this section, and evidence of such permit is displayed conspicuously on the building for which the scaffold is being used by means specified by the Construction Official.
- b. This section shall not be construed to prohibit the placement of a scaffold on private property except for scaffolding in close proximity to a sidewalk, street, or other public place such that it may pose a hazard to the safety of the public as determined by the Construction Official.

**§ 10-4.5. Application for Permit. [1990 Code § 10-4.5; Ord. No. 2010-13]**

An application for a permit pursuant to subsection 10-4.4 shall be made on forms approved and made available by the Construction Official. Such application shall include, but not be limited to, the following information:

- a. The name and address of the applicant.
- b. A description or diagram of the location where the applicant proposes to place the scaffold. A signed sealed engineers drawing may be required as determined by the Construction Official.
- c. A description of the scaffold which the applicant proposes to place on the sidewalk, street or any other public place in the City, which includes the name of its manufacturer and its capacity.
- d. The circumstances necessitating the use of the scaffold.
- e. The length of time the applicant plans to place the scaffold on the site, such time not to exceed 30 days.

**§ 10-4.6. Fee. [1990 Code § 10-4.6; Ord. No. 2007-27; Ord. No. 2010-13]**

- a. A minimum fee of \$50 is required before any permit is issued pursuant to this section. The Construction Office shall approve the subsequent renewals and an additional minimum fee of \$25 shall be due and payable upon issuance of all renewals.

- b. The minimum fee shall be charged for all scaffolding 15 feet or less in height and 30 feet or less in length. An additional \$10 per foot for each additional foot of height and/or length shall be charged for the application and \$5 per foot for each renewal with a maximum fee of \$600 for any single scaffold for any one month.

**§ 10-4.7. Insurance. [1990 Code § 10-4.7]**

Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named insured and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of the scaffold. Such policy or certificate shall contain limits of at least \$500,000 for bodily injury and \$100,000 for property damage and shall provide at least 30 days' notice of cancellation to be afforded to the Construction Official.

**§ 10-4.8. Permit Term; Expiration. [1990 Code § 10-4.8; Ord. No. 2010-13]**

- a. No permit shall be granted by the Construction Official for a term longer than required for the project. This time frame shall be determined by the Construction Official upon the initial issuance of the permit. Initial fees and renewal fees to be as stated in this chapter up to the term required for the project. Permit fees for renewals after the initial term will be increased by 50% and the maximum fee of \$600 shall no longer apply.
- b. Upon the expiration of the permit or any renewals thereof, the applicant shall remove, or cause to be removed, the scaffold from the sidewalk, street or any other public place.

**§ 10-4.9. Revocation of Permit. [1990 Code § 10-4.9]**

- a. Any permit granted pursuant to the provisions of this section may be revoked by the Construction Official if:
  - 1. The permit holder has made any false statements in his application for a permit; or
  - 2. The permit fails to conform to the provisions of this section; or
  - 3. In the opinion of the Construction Official, the work necessitating the use of scaffold is not proceeding in a normal fashion.
- b. A decision by the Construction Official to revoke any permit issued pursuant to the provisions of this section shall be submitted in writing to the permit holder by registered or certified mail. Such decision shall state clearly the grounds for the revocation.
- c. The permit holder may appeal the revocation to the Mayor and Council. An appeal must be filed by the permit holder with the City Clerk within seven days after the notice of revocation was mailed to him. Such appeal must state in writing the grounds for the appeal. The Mayor and Council shall then set a time and place for the hearing and notify the permit holder in writing at least five days in advance of the hearing by mailing a notice to his last known address. The decision and order of the Mayor and City Council shall be final and conclusive.

**§ 10-4.10. Violation and Penalties. [1990 Code § 10-4.10]**

Any person violating the terms of this section shall, upon conviction in Municipal Court, be liable to the penalty in Chapter 1, Section 1-5. A person shall be guilty of a separate offense for each day he fails to comply with an order of the Construction Official validly issued requiring the scaffold to be removed.

**§ 10-5. NUMBERING OF BUILDINGS.****§ 10-5.1. Purpose. [1990 Code § 10-5.1]**

The purpose of this section is to require clear display of authorized and assigned house or building numbers on every dwelling house, store or other principal buildings fronting on any street in the City of Lambertville in order to assist the general public and emergency services, public and private, in identifying the property in case of emergency or otherwise.

**§ 10-5.2. Applicability. [1990 Code § 10-5.2]**

All dwelling houses, stores or other principal buildings erected or to be erected within the City shall display house numbers assigned by the Tax Assessor as provided herein and in conformity with the specifications set forth in subsection 10-5.4.

**§ 10-5.3. Responsibility of Owner for Placement of Number and Time Limit. [1990 Code § 10-5.3]**

The owner of every dwelling house, store or other principal building which now fronts or which may hereafter front upon any public or private street within the City shall, at his own expense, cause the authorized and assigned number of such house or building to be permanently and conspicuously placed in accordance with the specifications set forth herein.

**§ 10-5.4. Specifications. [1990 Code § 10-5.4]**

- a. House or building numbers shall be:
  1. In Arabic numerals.
  2. A minimum height of three inches.
  3. Mounted in a secure fashion to the front wall or porch of the building or other fixed appurtenance in the front of the building so as to be clearly visible from the street.
  4. Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street.
  5. At least 30 inches above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street upon which the building fronts.
- b. Visibility of numbers on building which is set back. If the dwelling house, store or principal building has such a setback location that the provisions cannot be complied with, then the

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owner shall provide a post, rod or other type of fixture of a substantial nature, including a mailbox, with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from the street upon which the building fronts.

**§ 10-5.5. Assignment of Numbers; Application for Number. [1990 Code § 10-5.5]**

House numbers shall be assigned by the Tax Assessor. Every owner of a building constructed or to be constructed in the City shall apply to the Tax Assessor for an authorized number in accordance with this section and the applicable provisions of the Subdivision Ordinance of the City of Lambertville.

**§ 10-5.6. Conformance to Numbering System and Adoption of Map. [1990 Code § 10-5.6]**

The number of houses and buildings on the various streets in the City shall be in conformance with the Tax Map of the City of Lambertville and with the current Tax Records which are on file in the Office of the City Clerk and will remain on file in that office for the use and examination of the public. The Tax Map and Tax Records are annexed hereto and made a part hereof without inclusion thereof herein.

**§ 10-5.7. Enforcement. [Ord. No. 90-11; 1990 Code § 10-5.7; New]**

Upon the failure of an owner to ascertain and affix upon any building to which this section applies the assigned and authorized number within 30 days of the issuance of a certificate of occupancy or notification by the City Clerk to affix the building number, the City Clerk may enforce the provisions herein.

**§ 10-5.8. Violations and Penalties. [1990 Code § 10-5.8]**

Any person who violates the provisions of this section, upon conviction thereof, shall be liable to the penalty stated in Chapter 1, Section 1-5.