

ORDINANCE NO. 3749

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 132, FIRE PREVENTION FEES, ARTICLE III, PERMITS AND FEES, SECTION 132-11, ADDITIONAL REQUIRED PERMITS, INSPECTIONS AND FEES.

SUMMARY

An ordinance amending Code Chapter 132, Fire Prevention Fees, Article III, Permits and Fees, Section 132-11, Additional Required Permits, Inspections and Fees with the increase of inspection fees and the addition of inspection fees for houses of worship.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, Franklin Township Code Chapter 132, Fire Prevention Fees, Article III, Permits and Fees, Section 132-11, Additional Required Permits, Inspections and Fees, is hereby amended as follows:

SECTION I

§ 132-11. Additional required permits, inspections and fees. [Amended 8-9-1994 by Ord. No. 1850]

- A. In addition to the life hazard use Types A through D and permit Types 1 through 5, along with the inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional permits, inspections and fees shall be required.
- B. The following buildings, uses and premises contained in this section are subject to the permit and periodic inspection requirements as hereby established. (Exception: Operations which are incidental or auxiliary to the agricultural use of farm property shall be required to obtain applicable permits and to comply with fire regulations but shall be exempt from payment of the required permit fee.)

(1) Permit types.

(a) Type 6 permits:

[1] Business, factory, industrial, mercantile and storage uses which are less than 1,000 square feet in gross floor area.

[2] Commercial activities or operations not otherwise defined herein which do not operate from physical structures but which conduct business from a real property location in Franklin Township.

[3] Clubs, halls and similar facilities, including firehouses, with an occupancy load exceeding 99 persons, which are not otherwise defined as life hazard uses and which are used for assembly purposes not more than 12 times a year.

[4] Family day-care provider facilities as registered by the New Jersey Division of Youth and Family Services.

[5] Houses of Worship with an occupant load of 99 or less.

(b) Type 7 permits:

[1] Business, factory, industrial, mercantile and storage uses, which are at least 1,000 square feet but less than 3,000 square feet in gross floor area.

[2] Houses of Worship with an occupant load of 100 or more, but less than 300.

(c) Type 8 permits:

[1] Business, factory, industrial and storage uses, which are at least 3,000 but less than 6,000 square feet in gross floor area.

[2] Mercantile uses other than hardware stores and home improvement centers which are at least 3,000 but less than 6,000 square feet in gross floor area.

[3] Eating and drinking establishments with less than 50 occupants, in which no alcoholic beverages are consumed.

[4] Liquefied petroleum gas or liquefied natural gas installations for the filling and refilling of portable containers for consumption by the general public, and having storage containers of up to 1,000 gallons individual water capacity or with an aggregate water capacity of up to 2,000 gallons.

[5] House of Worship with an occupant load of 300 or more.

(d) Type 9 permits:

- [1] Business, factory, industrial and storage uses which are at least 6,000 but less than 12,000 square feet in gross floor area.
- [2] Mercantile uses other than hardware stores and home improvement centers which are at least 6,000 but less than 12,000 square feet in gross floor area.
- [3] Hotels and motels, with 100 rooms or less, and not defined as life hazard uses.
- [4] Buildings where fewer than 100 persons assemble for amusement or entertainment, including recreation centers and health spas.

[5] Retail or Commercial common areas.

- (e) Type 10 permits: business uses which are at least 12,000 but less than 24,000 square feet in gross floor area.
- (f) Type 11 permits: business uses which are at least 24,000 but less than 50,000 square feet in gross floor area.
- (g) Type 12 permits: business uses which are at least 50,000 but less than 100,000 square feet in gross floor area.
- (h) Type 13 permits: business uses which are at least 100,000 but less than 200,000 square feet in gross floor area.
- (i) Type 14 permits: business uses which are at least 200,000 but less than 400,000 square feet in gross floor area.
- (j) Type 15 permits: business uses which are 400,000 square feet or more in gross floor area.
- (k) Type 16 permits: trade shows, craft shows, exhibits, expositions, auctions, art sales, oriental rug sales, concerts, wrestling matches, festivals, dinners, dances, balls and similar events in exhibit centers, convention centers, cultural centers, hotels and similar facilities, and including similar non-school-type uses in school buildings.

[1] Exceptions:

[a] Dinners, dances, balls and similar uses preapproved for hotel and restaurant assembly rooms.

[b] Seminars, meetings and similar uses preapproved for hotel and restaurant assembly areas.

[c] Meals, meetings, parties and similar uses preapproved for school buildings. [Added 12-13-1994 by Ord. No. 1867]

(l) Type 17 permits:

[1] Multiple-family dwellings not otherwise defined as life hazard uses.

[2] Living units in multiple family dwellings [Added 2-28-1999 by Ord. No. 3032]

[3] Asphalt (tar) kettles.

(2) Required inspections. All additional uses as listed in the aforementioned schedule shall be periodically inspected for compliance with the provisions of this chapter, but not less than the following schedule:

(a) Permit Types 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15: once every 12 months.

(b) Permit Type 16: once per event. *Special events that require inspections or re-inspections on a Saturday, Sunday or holiday will be required to pay additional fees of \$75.00 per hour.*

(c) Permit Type 17:

[1] Multiple-family dwellings: once every 12 months. Inspection shall cover the entire facility, except for interiors of dwelling units.

[2] Living units in multiple family dwellings: once every five years. [Added 2-28-1999 by Ord. No. 3021]

[3] Asphalt (tar) kettles: one each job site.

(d) *Vacant retail or commercial spaces require inspection every 12 months and the fee will be 50% of the original fee based on the square footage.*

(3) Permit fees for additional listed uses shall be as follows:

(a) List of fees.

[1] Type 6 permits: \$50 per year.

[2] Type 7 permits: ~~\$75~~ **100** per year.

[3] Type 8 permits: ~~\$100~~ **150** per year.

[4] Type 9 permits: ~~\$150~~ **200** per year.

[5] Type 10 permits: ~~\$200~~ **250** per year.

[6] Type 11 permits: ~~\$250~~ **300** per year.

[7] Type 12 permits: ~~\$300~~ **350** per year.

[8] Type 13 permits: ~~\$400~~ **500** per year.

[9] Type 14 permits: ~~\$500~~ **600** per year.

[10] Type 15 permits: ~~\$600~~ **700** per year.

[11] Type 16 permits: ~~\$75~~ **125** per event.

[12] Type 17 permits:

[a] Multiple-family dwellings: \$50 per year if less than 30 living units. If 30 or more living units, the fee shall be \$50 per year, plus \$3 per year per unit over 29 units.

[b] Living units in multiple family dwellings: \$40 per living unit every five years. [Added 2-23-1998 by Ord. No. 3032]

[c] Asphalt (tar) kettles: ~~\$25~~ **50** per job site.

(b) When two or more listed uses exist under the same ownership at a given location, the highest use shall be paid at full fee, and subsequent uses shall be paid at 50% of the scheduled fees.

(4) Permits. All permit fees as indicated in Chapters 18 and 18B of Title 5 of the New Jersey Administrative Code under Section 4:18-2.8 of Schedule C shall

be adopted by the local enforcing agency for the purpose of enforcing this chapter. [Amended 12-11-2003 by Ord. 3414]

- (5) Hydrant fees. Fire hydrant flow test fees. For the performance of fire hydrant flow tests the following fee schedule shall govern:
 - (a) For the first two hydrants: ~~\$50~~ 75.
 - (b) For each additional hydrant tested at the same time and location: ~~\$15~~ 25.
- (6) Other fees: [Amended 9-28-2004 by Ord. No. 3485A]
 - (a) Photocopies of fire investigation reports:
 - [1] Copies one to 10: \$0.75 per page.
 - [2] Copies 11 to 20: \$0.50 per page.
 - [3] Copies 21 and over: \$0.25 per page.
 - (b) Fire hydrant test reports: \$15 per two hydrants. Fire hydrants not tested within the previous ~~12~~ 6 months shall be outdated and require retesting at fees specified by § 132-11B(6).

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3749

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: March 25, 2008

Public Hearing: April 22, 2008

Adoption: April 22, 2008

Notice of Adoption: April 28, 2008

Effective Date: May 12, 2008

Ann Marie McCarthy, Township Clerk