

ARTICLE III

FEEES

55-80. APPLICATION FEES, ESCROWS, GUARANTEES, INSPECTIONS AND ON/OFF-TRACT IMPROVEMENTS.¹

55-80.1. Fees. [Amended 11-20-95 by Ord. No. 1995-49 § 1; 11-20-95 by Ord. No. 1995-50 § 2; 12-16-96 by Ord. No. 1996-58 §§ 1, 2; 12-16-96 by Ord. No. 1996-59 §§ 1, 2; 12-16-96 by Ord. No. 1996-60 § 29]

- A. Every application for development or appeal shall be accompanied by payment to the Township of Barnegat in accordance with the following Schedule of Application Fee and Escrow Account Deposits. Where one application includes several approval requests, the sum of the individually required application fees and escrow account deposits shall be paid, with separate checks for the total Application Fees and the total Escrow Account Deposits. Fees and copies of requested items, special meetings, and other items are also included in the fee schedule. Escrow account deposits are minimums required, promulgated on the basis of the applicant submitting a complete application and plans. The applicant shall be responsible and pay the Township of Barnegat upon notification, for any additional costs for professional services involved with the review, reports, expert advice or testimony, or other information required in the process of an application before a municipal agency.

¹ Section 55-80 was amended in its entirety by Ord. No. 1995-41 § 1; Ord. No 1995-42 § 1. Previously this section was adopted by Ord. No. 1983-1, amended 4-3-83 by Ord. No. 1983-8; 9-6-83 by Ord. No. 1983-20; 9-2-86 by Ord. No. 1986-26; 6-15-87 by Ord. No. 1987-13; 7-5-88 by Ord. No. 1988-26; 4-17-89 by Ord. No. 1989-10; 12-18-89 by Ord. No. 1989-34; 7-1-91 by Ord. No. 1991-29; 8-2-93 by Ord. No. 1993-28, 5-17-93 by Ord. No. 1993-15.

	Application Fees	Escrow Account + Deposits
(1) Informal Reviews		
(a) one (1) fifteen (15) minute appearance	none required	none required
(b) Any additional appearance and/or Sketch Plat Review [Amended 8-2-04 by Ord. No. 2004-39]	\$200	\$750
(2) Subdivisions		
(a) Minor Subdivision (by Plat or Deed) [Amended 8-2-04 by Ord. No. 2004-39]	\$200	\$600 (1 to 4 lots)
(b) Preliminary Major Subdivision Plat	\$700	\$1,750 (first 5 lots) plus \$75/each additional lot
(c) Final Major Subdivision Plat	\$400	\$800 (first 5 lots) plus \$55/each additional lot
(d) Amended Minor, Preliminary Major and/or Final Major Subdivision Plat	50% of original application fees	50% of original escrow account deposit
(e) Request for Reapproval	\$200	\$50 per lot

	Application Fees	Escrow Account + Deposits
(f) Request for Extension of Time	\$200	\$500
(3) Site Plans		
(a) Minor Site Plan	\$200	\$500
(b) Site Plan Waiver Request	\$100	\$300
(c) Site Plan Exemption Request	\$50	none required
(d) Preliminary Major Site Plan (Other than residential)	\$700	\$2,000/first acre or part thereof plus \$500/each additional acre or part thereof
Preliminary Major Site Plan	\$700 (Residential and cluster development)	\$100/dwelling unit for multi-family and/or cluster development (\$2,500 minimum)
(e) Final Major Site Plan (Other than residential)	\$400	\$1,000/first acre or part thereof plus \$250/each additional acre or part thereof
Final Major Site Plan	\$400 (Residential and cluster development)	\$50/dwelling unit for multi-family and/or cluster development (\$1,500 minimum)

	Application Fees	Escrow Account + Deposits
(f) Amended Minor, Preliminary Major and/or Final Major Site Plan	50% of original application fee	50% of original escrow account deposit
(g) 1. Request for Reapproval	\$200	50% of original Escrows
2. Request for Extension of Time	\$200	\$500
(h) Field Change [Amended 8-2-04 by Ord. No. 2004- 39]	\$100	\$500
(4) Conditional Uses (In addition to fees for required Site Plan or Subdivision review)	\$150	\$250
(5) Variances		
(a) Appeals (40:55D- 70a) (single-family use) [Amended 8- 2-04 by Ord. No. 2004-39]	\$100	none required
(b) Interpretation of Zoning Regulations or Map (40:55D- 70b) [Amended 8- 2-04 by Ord. No. 2004-39]	\$100	\$250

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	Application Fees	Escrow Account + Deposits
(c) Bulk Variances (40:55D-70c) (existing single-family use) [Amended 8-2-04 by Ord. No. 2004-39]	\$100	\$500
(existing two-family use) [Amended 8-2-04 by Ord. No. 2004-39]	\$150	\$350
(all other uses) [Amended 8-2-04 by Ord. No. 2004-39]	\$200	\$400/first variance plus \$50/each additional variance
(d) Use and Others (40:55D-70d) (single or two-family use)	\$200	\$500
(all other uses)	\$500	\$1,000
(e) Building Permit in Conflict With Official Map or for a lot not related to a Street (40:55D-34 & 35) [Amended 8-2-04 by Ord. No. 2004-39]	\$100	\$500

	Application Fees	Escrow Account + Deposits
(f) Sign and Fence not in compliance with ordinance requirements	\$50	\$250
(6) Waivers	\$100	\$75/first waiver plus \$25/each additional waiver
(7) Preparation of Resolution (preliminary and/or final approval or denial)		\$150 each resolution
(all other approvals or denials)		\$150
(8) Requested Special Meeting	\$500	\$1,500
(9) Holdover Meeting	\$50/regular meeting \$500/special meeting	none required
(10) Certified List of Property Owners and Public Utilities	\$0.25/name or \$10 whichever is greater	none required
(11) Transcript of Meeting/Hearing	none required	billed at cost (\$500 minimum deposit)

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	Application Fees	Escrow Account + Deposits
(12) Copy of Tape of Meeting/Hearing [Amended 8-2-04 by Ord. No. 2004-39]	Billed at cost	none required
(13) Use of Tape Recording (by interested party, applicant or their stenographer) [Amended 8-2-04 by Ord. No. 2004-39]	Billed at cost	none required
(14) Certificate of Subdivision	\$100	none required
(15) Certificate of Non-Conformity (N.J.S.A. 40:55D-68) [Amended 8-2-04 by Ord. No. 2004-39]	\$100	none required
(a) Within one (1) year of ordinance adoption [Amended 8-2-04 by Ord. No. 2004-39]	\$100	none required
(b) After one (1) year of ordinance adoption [Amended 8-2-04 by Ord. No. 2004-39]	\$100	\$250

	Application Fees	Escrow Account + Deposits
(16) Zoning Permits		
(a) Residential (new dwellings and additions)	\$25 per dwelling unit	none required
(residential accessory structures including, but not limited to detached garages, sheds, decks, patios and swimming pools) [Amended 8-2-04 by Ord. No. 2004-39]	\$20	none required
(b) Business, Commercial, Industrial and Institutional		
(new principal buildings)	\$75	none required
(alterations and additions)	\$30	none required
(accessory structures including, but not limited to signs, sheds, and decks) [Amended 8-2-04 by Ord. No. 2004-39]	\$20	none required
(c) Temporary Event Use	\$15	none required
(d) All Other Zoning Permits	\$25	none required

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	Application Fees	Escrow Account + Deposits
(e) On-site Construction Trailers (first year)	\$100	none required
(annual renewal fee)	\$50	none required
(f) Preliminary zoning permit (in accordance with requirements of 55.279.1) [Added 8-2-04 by Ord. No. 2004-39]	\$25	
(g) Bulkhead permit [Added 8-2-04 by Ord. No. 2004-39]	\$50	\$250
(17) Forestry permits. See Section 55-292. [Added 7-16-01 by Ord. No. 2001-29]		
B. The application fees are flat fees to cover the costs of processing the application and are non-refundable.		
C. The escrow account deposits are required to pay the costs of professional services including engineering, planning, legal and other expenses connected with the review of submitted materials, including any traffic engineering review of the submitted materials, or any special analysis related to the Planning Board or Zoning Board of Adjustment's review of the submitted materials, or any necessary studies regarding off-tract improvements. An applicant is responsible to reimburse the Township of Barnegat for all expenses of professional personnel incurred and paid by the		

Township for the review process of an application for development and/or appeal before a municipal agency, such as, but not limited to:

- (1) Charges for reviews by professional consultants and/or professional personnel of applications, plans and accompanying documents;
- (2) Issuance of reports by professional consultants and/or professional personnel to the municipal agency setting forth recommendations resulting from the review of any documents submitted by the applicant;
- (3) Charges for any telephone conference or meeting requested or initiated by the applicant, his attorney or any of his experts or representatives;

- (4) Review of additional documents submitted by the applicant and issuance of reports relating thereto;
- (5) Review of proposed or prior easements, developer's agreements, deeds, resolutions or the like;
- (6) Preparation for and attendance at all meetings by professionals such as Planning Consultant, Traffic Engineer or other experts as required; and
- (7) The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant's experts.
- (8) The use of a court reporter or transcriber is at the discretion of the applicant. The applicant bears the responsibility of retaining a court reporter or transcriber if the applicant deems such services to be necessary. If a transcript of any proceeding is made, the applicant shall provide a copy of same to the Township free of charge.

D. *Procedural Requirements.*

- (1) An application to the Site Plan Review Subcommittee or other review committee shall deposit all escrow account deposits called for in the within section before the applicant's appearance before that committee. An applicant appearing initially before the Planning Board or the Zoning Board of Adjustment shall deposit all escrow account deposits called for in the within section before said appearance. No meeting or hearing with the applicant shall be held by said boards or committees until all escrow account deposits and required fees have been deposited in accordance with this section. The escrow sums must be in the form of cash, certified check or money order made payable to THE TOWNSHIP OF BARNEGAT. All escrow account deposits

shall be given to the Administrative Officer of the Township.

- (2) The Chief Financial Officer of the Township shall make all of the payments to professionals for services rendered to the Township for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. Such fees or charges shall be based upon a schedule established by a resolution adopted by the Township Committee.
- (3) Escrow account deposits shall be placed in an interest bearing account and the same shall be administered in accordance with the requirements of N.J.S.A. 40:55D-53.1.
- (4) All disbursements to consulting professionals, Township consulting professionals and Township employed professionals for services involved in processing an application which requires escrow account deposits shall be charged against the escrow account.
- (5) The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are one thousand (\$1,000.00) dollars or less, or on a monthly basis, if monthly charges exceed one thousand (\$1,000.00) dollars.
- (6) Each payment charged to the deposit for review of the application, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the

professional. Said voucher shall identify the personnel performing the service, the date, the services performed, the hours spent to one-quarter hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer of the Township on a monthly basis in accordance with schedules and procedure established by the Chief Financial Officer of the Township.

- (7) If the services are provided by a Township employee, the employee shall prepare and submit to the Chief Financial Officer a statement containing the same information as required on the voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Township simultaneously to the applicant.
- (8) No resolution approving any development application which is subject hereto shall be passed by either the Planning Board or Zoning Board of Adjustment until all fees and escrow sums required herein have been paid in full.
- (9) The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Township.
- (10) The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professional or consultants including normal and typical expenses incurred in

processing applications and inspecting improvements. The Township shall not bill the applicant, or charge an escrow account or deposit, for any Township clerical or administrative functions, overhead expenses, meeting room charges, or any other costs and expenses except as provided for in this section, nor shall a Township professional add any such charges to his bill.

- (11) A professional shall not review items which are subject to approval by any State agency and not under municipal jurisdiction except to the extent that consultation with a State agency is necessary due to the effect of State approval on the subdivision or site plan.
- (12) Inspection fees shall be charged only for actual work shown on a subdivision or site plan required by the Township. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.
- (13) If the Township retains a different professional or consultant in the place of the professional originally responsible for development application review or inspection of improvements, the Township shall be responsible for all time and expenses of the new professional to become familiar with the application or project and shall not bill the applicant or charge the deposit or the escrow account for any such services.
- (14) If the salary, staff support and overhead for the Township professional are provided by the

municipality, the charge shall not exceed two hundred percent (200%) of the sum of the product resulting from multiplying (1) the hourly base salary of the professional by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals, the charge shall be at the same rate as all other work of the same nature by the professional for the municipality when fees are not reimbursed or otherwise imposed on applicants or developers.

- (15) For those developments for which the reasonably anticipated fees are ten thousand (\$10,000.00) dollars or greater, fees may, at the option of the developer, be paid in four (4) installments. The initial amount deposited by a developer shall be twenty-five percent (25%) of the reasonably anticipated fees. When the balance drops to ten percent (10%) of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall make additional deposits of twenty-five percent (25%) of the reasonably anticipated fees. The Municipal Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

- E. *Refund of Moneys in Escrow Account.* When the Planning and Zoning Office determines that there is no longer any need to retain an escrow account in which to maintain funds pursuant to §§ 55-80.3 and 55-80.4, the applicant shall be entitled to the return of any moneys which remain in that account. The following close out and refund procedure shall apply to all deposits and escrow accounts established under the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.,

and shall commence after the Township has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved, in the case of improvement inspection escrows and deposits:

- (1) The applicant shall send written notice by certified mail to the Chief Financial Officer and to the relevant Township professional, that the application or the improvements are completed.
- (2) After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer within thirty (30) days and shall send a copy simultaneously to the applicant.
- (3) The Chief Financial Officer shall render a written final accounting to the applicant on the uses to which the escrow account deposit was put within forty-five (45) days after the receipt of the final bill.
- (4) Any balances remaining in the deposit or escrow account, including interest in accordance with the requirements of N.J.S.A. 40:55D-53.1, shall be refunded to the developer along with the final accounting.

55-80.2. Development Inspection Fees. [Amended 9-4-01 by Ord. No. 2001-33; 10-15-01 by Ord. No. 2001-35; 10-15-01 by Ord. No. 2001-36]

- A. The developer must deposit with the Township an inspection fee pursuant to N.J.S.A. 40:55D-53 an amount not to exceed the greater of five hundred dollars (\$500.) or five percent (5%) of the cost of the improvements as estimated by the Municipal Engineer pursuant to N.J.S.A. 40:55D-53.4.

- B. For those developments for which the inspection fees are less than ten thousand dollars (\$10,000.), fees may, at the option of the developer, be paid in two (2) installments. The initial amount deposited by a developer shall be fifty percent (50%) of the inspection fees. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall deposit the remaining fifty percent (50%) of the inspection fees. For those developments for which the inspection fees are ten thousand dollars (\$10,000.) or greater, fees may, at the option of the developer, be paid in four (4) installments. The initial amount deposited by a developer shall be twenty-five percent (25%) of the inspection fees. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspections, the developer shall make additional deposits of twenty-five percent (25%) of the inspection fees. The Municipal Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

55-80.3. Deposit of Escrows with Banking Institutions.

Whenever the fees paid under §§ 55-80.1 and 55-80.2 shall exceed five thousand dollars (\$5,000.) it shall be deposited in a banking institution or savings and loan association in this State, insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State of New Jersey in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Township Treasurer shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. If the amount of interest earned on the

deposit exceeds one hundred dollars (\$100.), that entire amount shall belong to the applicant and shall be refunded to him by the Township on an annual basis or at the time the deposit is repaid or applied for the purpose it was deposited; provided, however, that the Township shall retain for administrative expenses a sum equivalent to no more than thirty-three and one-third percent (33 1/3%) of the entire amount, which shall be in addition to all other administrative expenses. In the event that the interest paid on a deposit for a year does not exceed one hundred dollars (\$100.), the same is to be retained by the Township.

55-80.4. Reserved.¹

¹**Editor's Note:** Former subsection 55-80.4, Performance Guarantees, previously codified herein and containing portions of Ordinance No. 1999-5, was repealed in its entirety by Ordinance No. 2009-10. See Section 55-123 for Performance Guarantees.

55-80.5. Replenish of Escrow Account.

Whenever the escrow account in which escrow fees have been paid pursuant to § 55-80.1 have been depleted to thirty percent (30%) of the escrow account, the Township of Barnegat shall notify the applicant and the applicant shall immediately upon notification replenish the account. Professionals being paid from escrow account deposits shall notify the board or other review committee as to additional costs anticipated or incurred. Adequate additional fees shall be an amount estimated to be required to complete all remaining professional reviews, but shall not be in excess of the amount set forth herein to be originally deposited, nor less than fifty

- B. For those developments for which the inspection fees are less than ten thousand dollars (\$10,000.), fees may, at the option of the developer, be paid in two (2) installments. The initial amount deposited by a developer shall be fifty percent (50%) of the inspection fees. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall deposit the remaining fifty percent (50%) of the inspection fees. For those developments for which the inspection fees are ten thousand dollars (\$10,000.) or greater, fees may, at the option of the developer, be paid in four (4) installments. The initial amount deposited by a developer shall be twenty-five percent (25%) of the inspection fees. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspections, the developer shall make additional deposits of twenty-five percent (25%) of the inspection fees. The Municipal Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

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Whenever the fees paid under §§ 55-80.1 and 55-80.2 shall exceed five thousand dollars (\$5,000.) it shall be deposited in a banking institution or savings and loan association in this State, insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State of New Jersey in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Township Treasurer shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. If the amount of interest earned on the

deposit exceeds one hundred dollars (\$100.), that entire amount shall belong to the applicant and shall be refunded to him by the Township on an annual basis or at the time the deposit is repaid or applied for the purpose it was deposited; provided, however, that the Township shall retain for administrative expenses a sum equivalent to no more than thirty-three and one-third percent (33 1/3%) of the entire amount, which shall be in addition to all other administrative expenses. In the event that the interest paid on a deposit for a year does not exceed one hundred dollars (\$100.), the same is to be retained by the Township.

55-80.4. Performance Guarantees. [Added 2-16-99 by Ord. 1999-5]

When a developer, entity, or affiliate, provided all are doing business in the same State and at the same address, have posted performance guarantees with the Township of Barnegat in accordance with § 55-80.1 and N.J.S.A. 40:55D-53 et seq., all of which are current, and there are no bonds, letters of credit or guarantees that are currently in dispute, default, or in litigation, the developer shall have the right to request approval from the Township Administrator and Committee for one of the following options:

- A. When the aggregate amount posted for total improvement costs, either for a single, development or multiple projects by the same developer, as outlined above, exceeds five hundred thousand (\$500,000.) dollars and their cash deposit with the Township of Barnegat exceeds twenty-five thousand (\$25,000.) dollars, the developer may submit a written request to the Township Administrator to post the remaining cash amount for future developments, as five percent (5%) cash for the total improvement costs and ninety-five percent (95%) performance guarantee, in a form subject to review and approval by the Township Attorney. The Township Administrator has ten (10) business days to respond to this request. If the Township Administrator

percent (50%) of the original escrow amount. Until such time as adequate additional fees are deposited, the application shall not proceed before any board or review committee and no bond shall be released nor shall any certificate of occupancy be issued. In the interim, any required health and safety reviews and/or inspections shall be made and charged back against the replenishment of funds. If adequate additional fees are not deposited within a reasonable amount of time after notification of insufficient funds, the application may be dismissed without prejudice by the appropriate board or other review committee.

55-80.6. Exemption from Payment of Fees.

- A. Upon the request of an applicant charitable, philanthropic, fraternal or religious organization, the Planning Board or Zoning Board of Adjustment may waive the application fee payable to the Township of Barnegat upon a showing by the applicant of each of the following:
- (1) The applicant is a charitable, philanthropic, fraternal or religious organization.
 - (2) The development contemplated by the charitable organization shall be for the exclusive use and benefit of the organization in its usual function.
- B. Any application that requests and is granted a waiver or the application fee pursuant to this Article may be liable to the Township of Barnegat for the full amount of such fees plus interest at eighteen percent (18%) per annum, if:
- (1) The applicant materially misrepresents itself as a charitable, philanthropic, fraternal or religious organization before the Planning Board or Zoning Board of Adjustment; or,
 - (2) The applicant ceases to be a charitable, philanthropic, fraternal or religious organization

after the granting of final approval by the Planning Board or Zoning Board of Adjustment; or

- (3) The development ceases to be in the exclusive control of the applicant organization or similar organization after the granting of final approval by the Planning Board or Zoning Board of Adjustment.

55-80.7. Fees for Individual Requesting Special Meetings.

The following fees are hereby established for individuals requesting special meetings of either the Planning Board or the Zoning Board of Adjustment of the Township of Barnegat. Said special meetings may be held by said Boards when they so desire any portion of any fee not used shall be returned to the applicant and the applicant shall pay any additional fees over and above the estimated amount of fees in accordance with the close out procedures set forth in § 55-80.1E of this chapter.

- A. Township professionals, including the engineer and attorney, shall be paid in accordance with the fees established by resolution.
- B. The Planning Board Secretary shall be paid the hourly rate as estimated and calculated by the Chief Financial Officer, at the time a special meeting is requested. **[Amended 8-2-04 by Ord. No. 2004-39]**
- C. The use of a court reporter or transcriber is at the discretion of the applicant. The applicant bears the responsibility of retaining a court reporter or transcriber if the applicant deems such services to be necessary. If a transcript of any proceeding is made, the applicant shall provide a copy of same to the Township free of charge.

55-81—55-84. RESERVED.