

**Explanation:** This Ordinance amends Chapter VII of the Revised General Ordinance of the Township of Warren entitled, "Buildings and Housing", by creating a procedure for business owners in certain zones to apply for an exemption from certain subcode permit fees in an amount not to exceed \$5,000.

**TOWNSHIP OF WARREN  
ORDINANCE NO. 12-09**

**AN ORDINANCE AMENDING CHAPTER VII, SECTION I, "BULDINGS AND HOUSING"  
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN, BY  
ADDING SUBSECTION 8-2.3 ENTITLED "ECONOMIC INCENTIVE WAVIER FOR  
BUSINESS OWNERS IN CERTAIN ZONES WITHIN THE TOWNSHIP**

**WHEREAS**, the Township of Committee of the Township of Warren desires to provide an economic incentive to the business owners located within the CB Community Business, NB Neighborhood Business, BR-40 Business Residential (1 Acre), BR-80 Business Residential (2 Acre), RBLR Residential Business Limited Retail, Office Research and G-I General Industrial Zones, which can demonstrate that the development of vacant land, or the expansion or rehabilitation of existing facilities, will result in the creation of new full time permanent jobs within the Township of Warren; and

**WHEREAS**, the Township Committee believes that this goal will be achieved by lessening the burden on business owners seeking to develop, expand or rehabilitate their businesses; and

**WHEREAS**, the Township Committee believes that it is appropriate to encourage job growth by exempting qualified businesses from the payment of construction subcode permit fees.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Warren, County of Somerset and State of New Jersey, as follows:

**SECTION I.** Subsection 8-2.3 entitled, "Economic Incentive Waiver for Certain Zones within the Township", is hereby added to the *General Ordinances of the Township of Warren*. The new subsection shall read as follows:<sup>1</sup>

**8-2.3 Economic Incentive Waiver for Business Owners Within the Township**

1. This Ordinance creates the procedure for business owners in the CB Community Business, NB Neighborhood Business, BR-40 Business Residential (1 Acre), BR-80 Business Residential (2 Acre), RBLR Residential Business Limited Retail, Office Research and G-I General Industrial zones to apply to the Zoning Officer for an exemption from certain construction subcode permit fees in an amount not to exceed singularly or in the aggregate the sum of five thousand (\$5,000.00 ) dollars.

---

<sup>1</sup> Note to Codifier: Deleted provisions indicated by brackets [ ].  
New provision indicated in underline \_\_\_\_\_.

2. The Zoning Officer, acting upon an application for exemption, may exempt business owners from construction subcode building permits located in the CB Community Business, NB Neighborhood Business, BR-40 Business Residential (1 Acre), BR-80 Business Residential (2 Acre), RBLR Residential Business Limited Retail, Office Research and G-I General Industrial zones of the Township.
3. All property taxes, penalties or fees due to the Township must be paid and current as a condition of applying for and receiving this exemption.
4. In considering the application, the Zoning Officer shall determine and must find that the proposed construction will result in gainful permanent employment within the Township of at least five (5) permanent new full time equivalent jobs or an expansion of the number of existing full time jobs or equivalent jobs or by twenty-five (25%) percent, whichever is lower, within the Township and assist in the economic development of the Township. For purposes of this ordinance, the term "new full time job or equivalent" shall be defined as one or more positions which equate to a 40 hour work week. The determination of full time jobs or equivalent shall be left to the sound discretion of the Zoning Officer. In the event the Zoning Officer denies the above exemption, a business owner may appeal the Zoning Officer's decision to the Township Committee, which shall render a decision within sixty (60) days of the filing of the appeal.
5. The application, once approved, shall be forwarded by the Zoning Officer to the Construction Code Official to advise him/her of the waiver of construction subcode permit fees.
6. In order to qualify for such exemption, the building permit shall be for the:
  - a. Construction, expansion or rehabilitation of a structure or use. For the purpose of this fee exemption only, construction or expansion means a structure or part thereof used for a permitted use in the CB Community Business, NB Neighborhood Business, BR-40 Business Residential (1 Acre), BR-80 Business Residential (2 Acre), RBLR Residential Business Limited Retail, Office Research and G-I General Industrial zones.
  - b. Rehabilitation for the purpose of this fee exemption only consists of a minimum of twenty-five (25%) percent of an existing structure on a lot in the CB Community Business, NB Neighborhood Business, BR-40 Business Residential (1 Acre), BR-80 Business Residential (2 Acre), RBLR Residential Business Limited Retail, Office Research and G-I General Industrial zones which is being undertaken to expand or modernize facilities or bring the facility up to current subcode requirements. The exemption shall apply to only that portion of the structure being expanded or rehabilitated.

- c. Proof from the business owner that the construction, expansion or rehabilitation will result in the creation of at least five (5) permanent new full time jobs or equivalent or an expansion of the number of existing full time jobs or equivalent by twenty-five (25%) percent, whichever is lower, within the Township.
- d. The proof required of the business owner under subclause c. above will be in the form of a letter on the business' letterhead to be submitted to the Zoning Officer requesting the exemption and containing the following information:
  - i. The number of permanent new full time jobs or equivalent being created.
  - ii. The duties or functions to be provided by the new employees.
  - iii. The title or titles of the new employees.
  - iv. The hours each new employee is to work.
  - v. In the case of an existing business, the current number of employees and the number of new full time jobs or equivalent after the construction, expansion or rehabilitation.
- e. Once granted the exemption, the business owner shall be required to file two (2) annual compliance reports with the Township Clerk over the two (2) year period from the grant of the exemption to justify the creation of five new full time (5) jobs or equivalent. Failure on behalf of the business owner to file the two (2) annual compliance or failure to demonstrate the creation of five (5) new full time jobs or equivalent shall result in the forfeiture of the economic incentive and the business owner shall be required to pay back any and all fee waiver amounts granted by the Zoning Officer.
- f. This fee exemption shall have a limited duration, continuing in full force and effect from July 1, 2012 through June 30, 2014, at which time it shall expire by its own terms, unless extended by appropriate action of the Township Committee.
- g. This fee exemption shall apply to those businesses which are seeking a building permit on or after July 1, 2012.
- h. The Zoning Officer, in consultation with the Township Committee, may waive the above requirements when it is determined that the business will enhance the public health, safety, welfare, including the economic well-being of the Township.
- i. This fee exemption shall not be applicable to any variances granted under the provisions of N.J.S.A. 40:55D-70d(1) allowing a non-residential use in the EP- 250, CR-130/65, R-65, ECR, R-40, R-20 or any other residential zone district hereinafter established within the Township of Warren.

7. The fees to be exempted by action of the Zoning Officer shall only be for construction subcode permits where inspections are performed by Township personnel. The exemption shall not apply to third party agency inspections where the fee is paid to such outside agency, nor to the training surcharge fee payable to the State of New Jersey.

**SECTION II.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**SECTION III.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION IV.** This Ordinance shall take effect immediately upon final passage and publication according to law.

**ATTEST:**

**TOWNSHIP OF WARREN**

  
Patricia A. DiRocco, RMC  
Township Clerk

By:   
Carolann Garafola, Mayor

INTRODUCED: May 3, 2012

ADOPTED May 24, 2012

EFFECTIVE May 31, 2012