

ORDINANCE NO. 2026-06 (1291)

AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 90 (ZONING) OF THE BOROUGH CODE TO DELETE THE PERMIT FEE FOR ROOFING AND SIDING FOR ALL APPLICANTS AND PROPERTY OWNERS; AND SEPARATELY AMENDING ALL CHAPTERS OF THE BOROUGH CODE TO EXEMPT THE BOROUGH OF LAVALLETTE FROM ALL PERMIT, LICENSE, AND APPLICATION FEES WHEN THE BOROUGH IS THE APPLICANT FOR WORK PERFORMED WITHIN THE BOROUGH OF LAVALLETTE

WHEREAS, the Borough of Lavallette, Ocean County, New Jersey (the "Borough") is a duly incorporated municipality with authority to adopt, amend, and repeal ordinances pursuant to N.J.S.A. 40:48-1 et seq.; and

WHEREAS, this Ordinance addresses two separate and distinct subjects, each described in separate Articles below:

(A) ARTICLE I — ROOFING AND SIDING FEE DELETION (ALL APPLICANTS): Chapter 90 (Zoning), Article XII, § 90-85 currently imposes a nonrefundable zoning permit application fee of twenty-five dollars (\$25.00) for permits covering, among other work, roofing and siding. This fee applies to all persons submitting such permit applications, regardless of residency or ownership type. The Borough Council has determined that this fee imposes an unnecessary financial burden on all property owners and applicants and should be deleted for all persons; and

(B) ARTICLE II — BOROUGH EXEMPTION FROM ALL FEES: The Borough Code imposes various permit fees, license fees, service charges, and other fees across multiple chapters. When the Borough of Lavallette itself undertakes work, improvements, or other activities within the Borough in its governmental or municipal capacity, it is currently required by the literal terms of the Code to pay the same fees as private applicants. The Borough Council has determined that it is appropriate and in the public interest to exempt the Borough of Lavallette — as an applicant, permittee, or party — from paying any fee imposed under the Borough Code when the Borough is performing or undertaking such work within the Borough of Lavallette; and

WHEREAS, these two subjects, while addressed in a single ordinance for efficiency, are independent of one another and the validity of one shall not affect the validity of the other;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Lavallette, Ocean County, New Jersey, as follows:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Lavallette Roofing and Siding Fee Deletion and Borough Fee Exemption Ordinance."

ARTICLE I DELETION OF ROOFING AND SIDING PERMIT FEE FOR ALL APPLICANTS AND PROPERTY OWNERS

SECTION 2. PURPOSE — ARTICLE I

The Borough Council finds that the existing zoning permit application fee for roofing and siding work, presently included within the fee category established at Chapter 90 (Zoning), Article XII, § 90-85(A)(5), imposes an unnecessary cost on all applicants and property owners undertaking routine exterior maintenance and improvement. Deletion of this fee will benefit all persons submitting permit applications for roofing and siding work within the Borough, whether they are year-round residents, seasonal property owners, non-resident property owners, commercial property owners, or any other applicant. No distinction based on residency, property type, or identity of applicant shall limit the benefit of this deletion.

SECTION 3. AMENDMENT TO CHAPTER 90 (ZONING), ARTICLE XII, § 90-85 — DELETION OF ROOFING AND SIDING FEE FOR ALL APPLICANTS

Chapter 90 (Zoning), Article XII, § 90-85(A)(5) of the Borough Code is hereby amended to remove roofing and siding from the applicable fee category. This deletion is effective for all applicants and property owners submitting zoning permit applications for roofing or siding work on or after the effective date of this Ordinance, without exception. The provision, as amended, shall read as follows:

~~[DELETED TEXT — fee deleted for ALL applicants and property owners]: A nonrefundable zoning permit application fee of \$25 for pavers, fence, roofing, siding, and windows, payable to the Borough of Lavallette.~~

[REPLACEMENT TEXT — effective for ALL applicants and property owners]: A nonrefundable zoning permit application fee of \$25 for pavers and fences, payable to the Borough of Lavallette. No zoning permit application fee shall be charged for roofing, siding, or window replacement permit applications, regardless of the identity or residency of the applicant.

All other provisions of Chapter 90 (Zoning), Article XII, including the requirement to obtain a zoning permit for roofing and siding work and all substantive requirements applicable thereto, remain in full force and effect. The deletion of the fee does not waive or modify any permit, inspection, or compliance obligation.

ARTICLE II
EXEMPTION OF THE BOROUGH OF LAVALLETTE FROM ALL
PERMIT, LICENSE, AND APPLICATION FEES
WHEN THE BOROUGH IS THE APPLICANT

SECTION 4. PURPOSE — ARTICLE II

The Borough Council finds that it is in the public interest to exempt the Borough of Lavallette from the obligation to pay any permit, license, application, registration, inspection, or service fee imposed under the Borough Code when the Borough itself — acting through its governing body, departments, officials, employees, or authorized agents — is the applicant, permittee, licensee, or party undertaking the work, project, or activity for which the fee would otherwise be required. Such fees, when charged to the Borough, are ultimately borne by Borough taxpayers and serve no revenue purpose distinct from the general appropriation process. This Article addresses only fees the Borough would otherwise pay to itself under the Borough Code and applies solely when the Borough of Lavallette is the applicant within the Borough of Lavallette. It does not affect fees charged to private applicants or property owners (except as separately provided in Article I with respect to roofing and siding), nor does it affect fees charged by any other governmental entity.

SECTION 5. GENERAL BOROUGH FEE EXEMPTION

5.1 The Borough of Lavallette shall be exempt from the payment of any and all permit fees, license fees, application fees, registration fees, inspection fees, certificate fees, service charges, and any other fees or charges imposed under any chapter of the Code of the Borough of Lavallette when the Borough of Lavallette is the applicant, permittee, registrant, or party required to pay such fee in connection with work, improvements, maintenance, operations, or activities performed or undertaken by or on behalf of the Borough within the Borough of Lavallette.

5.2 This exemption applies to all Borough departments, offices, boards, commissions, and agencies, including but not limited to the Department of Public Works, the Police Department, the Fire Department, the First Aid Squad (to the extent it is a Borough entity), the Beach Department, the Building Department, and the Electric Department, when any such department, office, board, commission, or agency is the applicant or permittee.

5.3 This exemption applies when the Borough undertakes work through its own employees or through contractors engaged and paid directly by the Borough, provided that the application or permit is submitted in the name of the Borough of Lavallette.

5.4 This exemption does not apply to any private contractor, developer, or other private party who is performing work within the Borough under a contract with the Borough, where such contractor is itself the applicant or permittee in its own name. A private contractor applying for a permit on its own behalf, rather than in the name of the Borough, shall pay the applicable fees under the Borough Code. Where the Borough is the applicant of record and a contractor performs work under that Borough permit, the Borough exemption applies.

SECTION 6. SPECIFIC CODE AMENDMENTS — BOROUGH EXEMPTION

The following chapters of the Borough Code are each hereby amended to add the Borough of Lavallette fee exemption established in Section 5 of this Ordinance. Each such chapter shall be deemed to include the following language, which shall apply notwithstanding any other fee provision in that chapter:

"Borough of Lavallette Fee Exemption. Notwithstanding any fee set forth in this chapter, no fee shall be charged to or collected from the Borough of Lavallette when the Borough is the applicant, permittee, licensee, or party required to pay such fee in connection with any work, project, improvement, maintenance activity, or operation undertaken by or on behalf of the Borough within the Borough of Lavallette."

This language is incorporated by reference into each of the following chapters of the Borough Code, and each chapter shall be construed accordingly:

Chapter	Section	Fee Description	Current Amount	New Amount
Ch. 7	§§ 7-1 et seq.	Bathing and Beach Control — all permit and activity fees	Per Code	\$0 when Borough is applicant

Ch. 14	§§ 14-1 et seq.	Bulkheads and Beach Development — all permit fees	Per Code	\$0 when Borough is applicant
Ch. 15	Art. II	Business Regulations / Business Registration fees	Per Code	\$0 when Borough is applicant
Ch. 17	§§ 17-1 et seq.	Certificates of Occupancy — all inspection and C/O fees	Per Code	\$0 when Borough is applicant
Ch. 20	§§ 20-1 et seq.	Construction Codes, Uniform — all local subcode permit fees*	Per Code	\$0 when Borough is applicant
Ch. 24	§§ 24-1 et seq.	Electrical Standards — all permit and inspection fees	Per Code	\$0 when Borough is applicant
Ch. 25	§§ 25-1 et seq.	Fees — all fees set forth in Chapter 25	Per Code	\$0 when Borough is applicant
Ch. 26	§§ 26-1 et seq.	Fences — all permit fees	Per Code	\$0 when Borough is applicant
Ch. 50	§§ 50-1 et seq.	Sales / Outdoor Food and Beverage — all permit fees	Per Code	\$0 when Borough is applicant
Ch. 51	§§ 51-1 et seq.	Seasonal Rentals — all registration and inspection fees	Per Code	\$0 when Borough is applicant
Ch. 53	§§ 53-1 et seq.	Signs on Route 35 — all permit fees	Per Code	\$0 when Borough is applicant
Ch. 53A	§§ 53A-1 et seq.	Site Plan Review — all application fees	Per Code	\$0 when Borough is applicant
Ch. 55	§§ 55-1 et seq.	Solid Waste — all fees	Per Code	\$0 when Borough is applicant
Ch. 56	§§ 56-1 et seq.	Streets and Sidewalks (incl. residential parking permits) — all fees	Per Code	\$0 when Borough is applicant

Ch. 57	§§ 57-1 et seq.	Subdivision of Land — all application fees	Per Code	\$0 when Borough is applicant
Ch. 58	§§ 58-1 et seq.	Swimming Pools — all permit fees	Per Code	\$0 when Borough is applicant
Ch. 60	§§ 60-1 et seq.	Taxicabs — all license and registration fees	Per Code	\$0 when Borough is applicant
Ch. 37	§§ 37-1 et seq.	Land Use Procedures — all application fees	Per Code	\$0 when Borough is applicant
Ch. 90	§§ 90-1 et seq.	Zoning — all permit and application fees (incl. § 90-85)	Per Code	\$0 when Borough is applicant

* See Section 7 below regarding the State UCC surcharge fee, which cannot be waived even for the Borough.

SECTION 7. LIMITATION — STATE, COUNTY, AND INTERGOVERNMENTAL FEES NOT WAIVED

The Borough of Lavallette fee exemption established in Article II of this Ordinance applies only to fees imposed by the Borough of Lavallette itself under the Borough Code. It does not waive, reduce, or affect any of the following, which are imposed by or collected on behalf of entities other than the Borough:

- (A) State UCC surcharge fees collected pursuant to N.J.A.C. 5:23-4.19 and remitted to the New Jersey Department of Community Affairs. These fees are imposed by State regulation and the Borough is legally required to collect and remit them even when the Borough is itself the applicant. The Construction Official shall continue to collect and remit the State surcharge fee on Borough applications as required by law;
- (B) Sewer and water charges established in Chapter 52 (Sewer Use) and Chapter 63 (Water) to the extent they are mandated by or collected on behalf of the Ocean County Utilities Authority or pursuant to intergovernmental agreement;
- (C) Any fees required by State statute, federal law, State regulation, or as a condition of any State or federal grant, permit, or agreement; and
- (D) Filing fees, escrow requirements, and other charges required by the Superior Court of New Jersey or any other State or county tribunal in connection with any action or proceeding to which the Borough is a party.

SECTION 8. PROCEDURE — BOROUGH APPLICATIONS

8.1 When the Borough of Lavallette submits any permit, license, or other application under the Borough Code, the applicable Borough official receiving the application shall note the Borough exemption, waive any applicable Borough fee, and process the application without requiring fee payment.

8.2 Borough permit applications shall clearly identify the Borough of Lavallette as the applicant on the application form. The Borough Administrator shall, within thirty (30) days of the effective date of this Ordinance, direct all relevant department heads and officials to update application procedures to reflect the Borough's exemption from Borough-imposed fees.

8.3 The Chief Financial Officer shall maintain records of all fees waived under this Article for inclusion in the Borough's annual audit and budget process, so that the governing body is informed of the fiscal impact of the Borough's own fee exemption.

GENERAL PROVISIONS

SECTION 9. INDEPENDENCE OF ARTICLES

Article I (Roofing and Siding Fee Deletion for All Applicants) and Article II (Borough of Lavallette Fee Exemption) are separate and independent provisions. The invalidity, unenforceability, or repeal of one Article shall not affect the validity or enforceability of the other. Each Article may be amended independently by the Borough Council.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason declared unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. REPEALER

All ordinances, resolutions, and parts thereof inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with N.J.S.A. 40:49-2 and all other applicable provisions of New Jersey law.

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NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on March 23, 2026. It was further considered for second (2nd) reading and final passage at a meeting of the Borough Council held on May 4, 2026 at 7:00 pm at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 4th day of May 2026 and shall take effect upon publication as required by law.

(SEAL)

DONNELLY AMICO, RMC
Municipal Clerk

APPROVED:

WALTER G. LACICERO
Mayor