

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27D-126 (Municipal construction official - certain - exempt from civil service exam)

LAWS OF: 1982

CHAPTER: 210

Bill No.: S1936

Sponsor(s): Russo

Date Introduced: Nov. 23, 1982

Committee: Assembly: _____

Senate: _____

Amended during passage /// No Substituted for A2196 (not attached since identical to S1936)

Date of Passage: Assembly: Dec. 6, 1982

Senate: Nov. 29, 1982

Date of Approval: Dec. 23, 1982

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly /// No

Senate /// No

Fiscal Note: /// No

Veto Message /// No

Message on Signing: Yes /// ~~No~~

Following were printed:

Reports: /// No

Hearings: /// No

Sponsor's statement:

This bill provides that any municipal construction official or subcode official who had permanent civil service status or was employed as an official in the unclassified service prior to January 1, 1981, shall be included in the civil service as a construction official or subcode official without civil service examination.

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CHAPTER 210 LAWS OF N. J. 1982
APPROVED 12-23-82

SENATE, No. 1936

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 23, 1982

By Senator RUSSO

(Without Reference)

AN ACT to amend the "State Uniform Construction Code Act,"
approved October 7, 1975 (P. L. 1975, c. 217).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 8 of P. L. 1975, c. 217 (C. 52:27D-126) is amended to
2 read as follows:

3 8. Administration and enforcement.

4 a. The appointing authority of any municipality shall appoint a
5 construction official and any necessary subcode officials to admin-
6 ister and enforce the code and a construction board of appeals to
7 hear and decide appeals from decisions made by said construction
8 official and subcode officials, in the administration and enforcement
9 of the code. Nothing herein, however, shall prevent a municipality
10 from accepting inspections as to compliance with the code or any
11 subcode thereof made by an inspection authority approved by the
12 State of New Jersey pursuant to law.

13 b. To establish tenure rights or any other right or protection
14 provided by the "State Uniform Construction Code Act" or Title
15 11 of the Revised Statutes, Civil Service, or any pension law or
16 retirement system, the job title "construction official" shall be
17 equivalent to that job title which, prior to the adoption of the State
18 Uniform Construction Code as provided in section 5 of the "State
19 Uniform Construction Code Act," entailed the chief administrative
20 responsibility to enforce all construction codes, which had been
21 adopted by the municipal governing body the enforcement of which
22 was not the responsibility of an authorized private inspection

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

23 agency; and the job title "subcode official" shall be equivalent to
24 that job title which, prior to the adoption of the State Uniform
25 Construction Code entailed subordinate administrative responsi-
26 bility to enforce one or more of the following Construction codes:
27 building, plumbing, electrical or fire codes.

28 Any person, in a municipality operating under Title 11 of the
29 Revised Statutes, who prior to the adoption of the State Uniform
30 Construction Code held the equivalent of the job title "construc-
31 tion" official or "subcode" official, but who no longer holds his
32 position as a result of a determination that his old job title was not
33 equivalent to that of "construction" official or "subcode" official,
34 shall be offered reappointment as a construction official or subcode
35 official, as the case may be, and shall be granted permanent classified
36 status in such position. Tenure shall continue for (1) any construc-
37 tion official or subcode official who is serving under tenure as other-
38 wise provided by law on the effective date of this act or within one
39 year thereafter, or (2) any person certified pursuant to subsection
40 c. of this section and who subsequently gains such tenure.

41 A construction official or subcode official appointed in a munic-
42 ipality operating under the provisions of Title 11 of the Revised
43 Statutes who at the time of adoption of the State Uniform Con-
44 struction Code, January 1, 1977, or prior to **February 6, 1980**
45 *January 1, 1981* had permanent classified status or was employed
46 as a construction official or subcode official or in another position
47 in the unclassified service, shall be included in the classified service
48 without civil service examination in his respective title of construc-
49 tion official or subcode official. Any individual employed by a
50 municipality who in his employment with the municipality between
51 January 1, 1977 and prior to **February 6, 1980** *January 1, 1981*
52 was charged with the chief administrative responsibility to enforce
53 all existing municipal construction codes, shall be deemed as ap-
54 pointed to the position of construction official for the purposes of
55 this act. Any individual employed by a municipality who in his
56 employment with the municipality between January 1, 1977 and
57 prior to **February 6, 1980** *January 1, 1981* was charged with chief
58 responsibility to enforce the municipal building, plumbing, fire, or
59 electrical code shall be deemed as appointed to the position of sub-
60 code official for the purposes of this act. No person, on or after
61 **February 6, 1980** *January 1, 1981*, shall be appointed as construc-
62 tion or subcode official in a municipality operating under Title
63 11 of the Revised Statutes without having passed an examination
64 administered by the Civil Service Commission certifying the merit
65 and fitness of the person to hold such position; provided that, when-

66 ever a noncivil service municipality adopts the provisions of that
67 Title, construction code officials and subcode officials of such munici-
68 pality appointed prior to the filing of the petition for the adoption
69 of civil service, shall attain permanent status in the classified
70 service without examination. Any construction or subcode official
71 appointed after ~~February 6, 1980~~ *January 1, 1981* on a pro-
72 visional basis in a municipality which has adopted the provisions
73 of Title 11 of the Revised Statutes may not be removed from office
74 except for just cause after a fair and impartial hearing has been
75 held at the local level with no further appeal to the Civil Service
76 Commission; provided, however, that such a construction or sub-
77 code official may be removed to permit the appointment of a person
78 certified for appointment by the Civil Service Commission.

79 A construction official or subcode official in a noncivil service
80 municipality shall be appointed for a term of four years and shall
81 upon appointment to a second consecutive term or on or after
82 the commencement of a fifth consecutive year of service including
83 years of service in an equivalent job title held prior to the adoption
84 of the State Uniform Construction Code be granted tenure and
85 shall not be removed from office except for just cause after a fair
86 and impartial hearing.

87 A construction or subcode official, to be eligible for appointment
88 in civil service or noncivil service municipalities, shall be certified
89 by the State of New Jersey in accordance with subsection c. of
90 this section and shall have had at least three years experience in
91 construction, design or supervision as a licensed engineer or regis-
92 tered architect; or five years experience in construction design, or
93 supervision as an architect or engineer with a bachelor's degree
94 from an accredited institution of higher education; or 10 years ex-
95 perience in construction, design or supervision as a journeyman in a
96 trade or as a contractor. A subcode official shall, pursuant to any
97 subcode which he administers, pass upon: (1) matters relative to
98 the mode, manner of construction or materials to be used in the
99 erection or alteration of buildings or structures, except as to any
100 such matter foreclosed by State approval pursuant to this act, and
101 (2) actual execution of the approved plans and the installation
102 of the materials approved by the State. The construction official
103 in each municipality shall be the chief administrator of the "en-
104 forcing agency." He shall have the power to overrule a determi-
105 nation of a subcode official based on an interpretation of a sub-
106 stantive provision of the subcode which such subcode official
107 administers only if the construction official is qualified to act pur-
108 suant to this act as a subcode official for such subcode. He may

109 serve as subcode official for any subcode which he is qualified under
110 this act to administer. A subcode official or municipal engineer
111 may serve as a construction official if otherwise qualified under
112 the provisions of this act. The municipal enforcing agency shall
113 require compliance with the provisions of the code, of all rules
114 lawfully adopted and promulgated thereunder and of laws relating
115 to the construction, alteration, repair, removal, demolition and
116 integral equipment and location, occupancy and maintenance of
117 buildings and structures, except as may be otherwise provided for.

118 Two or more municipalities may provide by ordinance, subject
119 to regulations established by the commissioner, for the joint
120 appointment of a construction official and subcode official for the
121 purpose of enforcing the provisions of the code in the same manner.

122 c. No person shall act as a construction official or subcode official
123 for any municipality unless the commissioner determines that said
124 person is so qualified except for the following: (1) a municipal
125 construction official or subcode official holding office under perma-
126 nent civil service status, or tenure as otherwise provided by law on
127 the effective date of this act or within one year thereafter and (2)
128 a municipal construction official or subcode official holding office
129 without such permanent civil service status or tenure on the effec-
130 tive date of this act or within one year thereafter; provided said
131 construction official or subcode official not having such permanent
132 civil service status or tenure shall be certified in accordance with
133 this act within four years of the effective date thereof provided
134 further that a person holding on the effective date of this act a valid
135 plumbing inspector's license from the Department of Health pur-
136 suant to Title 26 of the Revised Statutes may serve as a plumbing
137 subcode official and a person holding on the effective date of this
138 act a valid electrical inspector's license from the Board of Public
139 Utilities pursuant to Title 48 of the Revised Statutes may serve as
140 an electrical subcode official. The commissioner, after consultation
141 with the code advisory board, may authorize the preparation and
142 conducting of oral, written and practical examinations to deter-
143 mine if a person is qualified by this act to be eligible to be a con-
144 struction official or subcode official or, in the alternative, may
145 accept successful completion of programs of training as proof of
146 qualification within the meaning of this act. Upon a determination
147 of qualification the commissioner shall issue or cause to be issued
148 a certificate to the construction official or subcode official or trainee
149 stating that he is so certified. The commissioner, after consultation
150 with the code advisory board, may establish classes of certification
151 that will recognize the varying complexities of code enforcement

152 in the municipalities within the State. The commissioner shall after
153 consultation with the code advisory board, provide for educational
154 programs designed to train and assist construction officials and
155 subcode officials in carrying out their responsibilities.

156 Whenever the commissioner is required by the terms of this sub-
157 section to consult with the code advisory board and the matter in
158 question concerns plumbing subcode officials, the commissioner shall
159 also consult with the Public Health Council and Commissioner of
160 Health.

161 d. The commissioner, after consultation with the code advisory
162 board, may periodically require that each construction official and
163 subcode official demonstrate a working knowledge of innovations in
164 construction technology and materials, recent changes in and addi-
165 tions to the relevant portions of the State Uniform Construction
166 Code, and current standards of professional ethics and legal
167 responsibility; or, in the alternative, the commissioner, after con-
168 sultation with the code advisory board, may accept successful
169 completion of appropriate programs of training as proof of such
170 working knowledge.

1 2. This act shall take effect immediately.

STATEMENT

This bill provides that any municipal construction official or sub-
code official who had permanent civil service status or was employed
as an official in the unclassified service prior to January 1, 1981,
shall be included in the civil service as a construction official or
subcode official without civil service examination.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, DECEMBER 30, 1982

Governor Thomas H. Kean has signed the following bills:

A-1439, sponsored by Assemblyman Dean Gallo, R-Morris, which allows a municipality with a population of between 5,000 and 9,000 and a mayor-council form of government to adopt the Police and Fire Retirement system. This applies to the town of Lincoln Park.

A-2231, sponsored by Assemblywoman Barbara Kalik, D-Burlington, which appropriates \$67,164,634 in federal funds. The monies are either unexpended federal grants, or grants that were awarded in larger amounts than anticipated at the time the budget was prepared. The funds are appropriated to the departments of Corrections, Education, Energy, Health, Higher Education, Human Services, Labor and Transportation.

S-1936, sponsored by Senator John F. Russo, D-Ocean, which grants permanent Civil Service status to construction code officials appointed prior to January 1, 1981.

A-1852, sponsored by Assemblyman Karl Weidel, R-Mercer, which continues the present property tax exemption for solar energy heating and cooling systems. The exemption was scheduled to expire December 31, 1982.

S-906, sponsored by Senator James R. Hurley, R-Cape May, which exempts services of handicapped persons employed by a sheltered workshop from the competitive advertisement and bidding section of the Local Public Contracts Law.

S-1193, sponsored by Senator John F. Russo, D-Ocean, which validates deeds which were inadvertently not signed by attorneys after the effective date of a recent amendment which requires such signatures. After enactment of that amendment on July 27, 1982, some attorneys did not learn of the new law and prepared deeds which they did not sign. Those deeds are made valid by this act.