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P.L. 2003, CHAPTER 228, *approved January 9, 2004*
Assembly, No. 2651 (*First Reprint*)

1 **AN ACT** concerning certain penalties under the "State Uniform
2 Construction Code Act" and amending P.L.1975, c.217.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 20 of P.L.1975, c.217 (C.52:27D-138) is amended to
8 read as follows:

9 20. a. Any person or corporation, including an officer, director or
10 employee of a corporation, who:

11 (1) Violates any of the provisions of this act or rules promulgated
12 hereunder;

13 (2) Constructs a structure or building in violation of a condition of
14 a building permit;

15 (3) Fails to comply with any order issued by an enforcing agency
16 or the department;

17 (4) Makes a false or misleading written statement, or omits any
18 required information or statement in any application or request for
19 approval to an enforcing agency or the department;

20 (5) Knowingly sells or offers for retail sale any item, device or
21 material, the regular and intended use of which would violate any
22 provision of the State Uniform Construction Code;

23 Shall be subject to a penalty of not more than **[\$500.00]**
24 ¹**[\$5,000.00] \$2,000; provided, however, that any penalties in excess**
25 **of \$500.00 per violation may be levied by an enforcing agency only in**
26 **accordance with subsection e. below**¹.

27 Paragraph (5) above does not prohibit the retail sale or offering for
28 retail sale of any item, device or material which has more than one
29 regular and intended use, if one of those uses does not violate the
30 code, provided that the item, device or material is not publicly
31 advertised or otherwise promoted by the seller or manufacturer as
32 suitable for a use that would violate any provisions of the code.

33 b. Anyone who knowingly refuses entry or access to an inspector
34 lawfully authorized to inspect any premises, building or structure
35 pursuant to this act or who unreasonably interferes with such an
36 inspection shall be subject to a fine of not more than \$250.00.

37 c. With respect to subsection a. (3) of this section, a person shall
38 be guilty of a separate offense for each day that he fails to comply with
39 a stop construction order validly issued by an enforcing agency or the
40 department and for each week that he fails to comply with any other

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ **Assembly AHO committee amendments adopted January 9, 2003.**

1 order validly issued by an enforcing agency or the department. With
2 respect to subsections a. (1) and a. (4) of this section, a person shall
3 be guilty of a separate offense for each violation of any provision of
4 this act or rules promulgated hereunder and for each false or
5 misleading written statement or omission of required information or
6 statement made in any application or request for approval to an
7 enforcing agency or the department. With respect to subsection a. (2)
8 of the section, a person shall be guilty of a separate offense for each
9 violation of the conditions of a construction permit.

10 d. The penalties pursuant to this section may be collected in a
11 summary proceeding pursuant to the "Penalty Enforcement Law"
12 (N.J.S.2A:58-1 et seq.). Jurisdiction to enforce such penalties is
13 hereby conferred upon judges of the municipal court, in addition to the
14 courts specified by N.J.S.2A:58-2. Suit may be brought by a
15 municipality or the State of New Jersey. Payment of a money
16 judgment pursuant hereto shall be remitted, in the case of a suit
17 brought by a municipality, to the municipal treasurer and in the case
18 of a suit brought by the State of New Jersey, to the State Treasurer.

19 ¹e. Penalties in excess of \$500.00 per violation may be levied by an
20 enforcing agency only as follows:

21 (1) A penalty for failure or refusal to comply with any lawful order
22 shall not exceed \$1,000.00 per violation, unless the failure or refusal
23 to comply is done with the knowledge that it will endanger the life or
24 safety of any person, in which case the penalty shall not exceed
25 \$2,000.00 per violation;

26 (2) A penalty for failure to obtain a required permit prior to
27 commencing construction or for allowing a building to be occupied
28 without a certificate of occupancy shall not exceed \$2,000.00 per
29 violation;

30 (3) A penalty for failure to comply with a stop construction order
31 shall not exceed \$2,000.00 per violation;

32 (4) A penalty for willfully making a false or misleading written
33 statement, or willfully omitting any required information or statement
34 in any application or request for approval, shall not exceed \$2,000.00
35 per violation;

36 For purposes of this subsection, in an occupied building, only a
37 code violation involving fire safety, structural soundness or the
38 malfunctioning of mechanical equipment that would pose a life safety
39 hazard shall be deemed to endanger the life or safety of a person. In
40 an unoccupied building only a code violation of a requirement intended
41 to protect members of the public who are walking by the property shall
42 be deemed to endanger the life or safety of a person.¹

43 (cf: P.L.1983, c.83, s.1)

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHO committee amendments adopted January 9, 2003.

1 2. This act shall take effect immediately.

2

3

4

5

6 Increases maximum penalty for "State Uniform Construction Code
7 Act" violations from \$500 to \$2,000.

ASSEMBLY, No. 2651

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 9, 2002

Sponsored by:

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Increases maximum penalty for "State Uniform Construction Code Act" violations from \$500 to \$5,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/19/2002)

A2651 STENDER, GREEN

2

1 AN ACT concerning certain penalties under the "State Uniform
2 Construction Code Act" and amending P.L.1975, c.217.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 20 of P.L.1975, c.217 (C.52:27D-138) is amended to
8 read as follows:

9 20. a. Any person or corporation, including an officer, director or
10 employee of a corporation, who:

11 (1) Violates any of the provisions of this act or rules promulgated
12 hereunder;

13 (2) Constructs a structure or building in violation of a condition of
14 a building permit;

15 (3) Fails to comply with any order issued by an enforcing agency
16 or the department;

17 (4) Makes a false or misleading written statement, or omits any
18 required information or statement in any application or request for
19 approval to an enforcing agency or the department;

20 (5) Knowingly sells or offers for retail sale any item, device or
21 material, the regular and intended use of which would violate any
22 provision of the State Uniform Construction Code;

23 Shall be subject to a penalty of not more than **[\$500.00] \$5,000.00.**

24 Paragraph (5) above does not prohibit the retail sale or offering for
25 retail sale of any item, device or material which has more than one
26 regular and intended use, if one of those uses does not violate the
27 code, provided that the item, device or material is not publicly
28 advertised or otherwise promoted by the seller or manufacturer as
29 suitable for a use that would violate any provisions of the code.

30 b. Anyone who knowingly refuses entry or access to an inspector
31 lawfully authorized to inspect any premises, building or structure
32 pursuant to this act or who unreasonably interferes with such an
33 inspection shall be subject to a fine of not more than \$250.00.

34 c. With respect to subsection a. (3) of this section, a person shall
35 be guilty of a separate offense for each day that he fails to comply with
36 a stop construction order validly issued by an enforcing agency or the
37 department and for each week that he fails to comply with any other
38 order validly issued by an enforcing agency or the department. With
39 respect to subsections a. (1) and a. (4) of this section, a person shall
40 be guilty of a separate offense for each violation of any provision of
41 this act or rules promulgated hereunder and for each false or
42 misleading written statement or omission of required information or
43 statement made in any application or request for approval to an

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

Matter underlined thus is new matter.

1 enforcing agency or the department. With respect to subsection a. (2)
2 of the section, a person shall be guilty of a separate offense for each
3 violation of the conditions of a construction permit.

4 d. The penalties pursuant to this section may be collected in a
5 summary proceeding pursuant to the "Penalty Enforcement Law"
6 (N.J.S.2A:58-1 et seq.). Jurisdiction to enforce such penalties is
7 hereby conferred upon judges of the municipal court, in addition to the
8 courts specified by N.J.S.2A:58-2. Suit may be brought by a
9 municipality or the State of New Jersey. Payment of a money
10 judgment pursuant hereto shall be remitted, in the case of a suit
11 brought by a municipality, to the municipal treasurer and in the case
12 of a suit brought by the State of New Jersey, to the State Treasurer.
13 (cf: P.L.1983, c.83, s.1)

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill increases the maximum penalty for violations of the
21 provisions of the "State Uniform Construction Code Act," from \$500
22 to \$5,000. The penalty has remained unchanged since the enactment
23 of the law in 1975.

24 The increased penalty under this bill would match the maximum
25 penalty for violations under the "Uniform Fire Safety Act," P.L.1983,
26 c.383, and would serve as a greater deterrent against violations of the
27 "State Uniform Construction Code Act" by individuals engaged in
28 construction projects in municipalities throughout the State.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2651

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2003

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 2651.

As amended, this bill increases the per violation penalty amount permitted under the provisions of the "State Uniform Construction Code Act," from \$500 to \$2,000, and limits the amount which can be charged in excess over \$500 for separate violations under certain circumstances. The penalty has remained unchanged since the enactment of the law in 1975.

The increased penalty under this bill would serve as a greater deterrent against violations of the "State Uniform Construction Code Act" by individuals engaged in construction projects in municipalities throughout the State.

COMMITTEE AMENDMENTS:

Committee amendments to the bill:

Limit the amount of a penalty to \$2,000 per violation, but provide an additional limit on the amount of a penalty which can be charged over \$500 for each violation as follows:

(1) A penalty for failure or refusal to comply with any lawful order shall not exceed \$1,000.00 per violation, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall not exceed \$2,000.00 per violation;

(2) A penalty for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy shall not exceed \$2,000.00 per violation;

(3) A penalty for failure to comply with a stop construction order shall not exceed \$2,000.00 per violation;

(4) A penalty for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval, shall not exceed \$2,000.00 per violation;

The amendments clarify the situations under which a code violation in an occupied building would be deemed to endanger life or safety as those situations in which the violation involves fire safety, structural soundness or any malfunctioning of mechanical equipment that would pose a life safety hazard. A code violation in a unoccupied building would be deemed to endanger life or safety only if the violation involves a violation of any code requirement intended to protect the safety of members of the public walking by the property.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2651

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2651 (1R).

Assembly Bill No. 2651 (1R) increases the per violation penalty amount permitted under the provisions of the "State Uniform Construction Code Act," from \$500 to \$2,000, and limits the amount which can be charged in excess over \$500 for separate violations under certain circumstances. The penalty has remained unchanged since the enactment of the law in 1975.

The increased penalty under this bill would serve as a greater deterrent against violations of the "State Uniform Construction Code Act" by individuals engaged in construction projects in municipalities throughout the State.

The bill limits the amount of a penalty to \$2,000 per violation, but provides an additional limit on the amount of a penalty which can be charged over \$500 for each violation as follows:

(1) A penalty for failure or refusal to comply with any lawful order shall not exceed \$1,000 per violation, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall not exceed \$2,000 per violation;

(2) A penalty for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy shall not exceed \$2,000 per violation;

(3) A penalty for failure to comply with a stop construction order shall not exceed \$2,000 per violation;

(4) A penalty for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval, shall not exceed \$2,000 per violation;

The bill clarifies the situations under which a code violation in an occupied building would be deemed to endanger life or safety as those situations in which the violation involves fire safety, structural soundness or any malfunctioning of mechanical equipment that would pose a life safety hazard. A code violation in a unoccupied building

would be deemed to endanger life or safety only if the violation involves a violation of any code requirement intended to protect the safety of members of the public walking by the property.

FISCAL IMPACT:

This legislation was not certified as requiring a fiscal note.

SENATE COMMUNITY OF URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2651

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 2003

The Senate Community of Urban Affairs Committee reports favorably Assembly Bill No. 2651 (1R).

This bill would increase the per violation penalty amount permitted under the provisions of the "State Uniform Construction Code Act," from \$500 to \$2,000, and limit the amount which may be charged in excess of \$500 under certain circumstances. The penalty has remained unchanged since 1975. The increased penalties would deter individuals from violating the construction code.

The bill would allow an enforcing agency to levy penalties in excess of \$500 for each violation as follows:

- * A penalty not to exceed \$1,000 per violation could be levied for failure or refusal to comply with any lawful order, however if the failure or refusal to comply can be shown to have been committed with the knowledge that it will endanger the life or safety of any person, the penalty could be increased to an amount not exceeding \$2,000 per violation;
- * A penalty not to exceed \$2,000 per violation could be levied for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;
- * A penalty not to exceed \$2,000 per violation could be levied for failure to comply with a stop construction order;
- * A penalty not to exceed \$2,000 per violation could be levied for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval.

The bill provides that a code violation in an occupied building would be deemed to endanger life or safety of a person if the violation involves fire safety, structural soundness or any malfunctioning of mechanical equipment that would pose a life safety hazard. A code violation in an unoccupied building would be deemed to endanger life or safety of a person only if the violation involves a violation of any code requirement intended to protect the safety of members of the public walking by the property.

This bill is identical to Senate, No. 2441 which bill was also favorably reported by the committee this date, November 24, 2003.

SENATE, No. 2441

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 20, 2003

Sponsored by:

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

SYNOPSIS

Increases maximum penalty for "State Uniform Construction Code Act" violations from \$500 to \$2,000.

CURRENT VERSION OF TEXT

As introduced.



S2441 MARTIN

2

1 AN ACT concerning certain penalties under the "State Uniform
2 Construction Code Act" and amending P.L.1975, c.217.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 20 of P.L.1975, c.217 (C.52:27D-138) is amended to
8 read as follows:

9 20. a. Any person or corporation, including an officer, director or
10 employee of a corporation, who:

11 (1) Violates any of the provisions of this act or rules promulgated
12 hereunder;

13 (2) Constructs a structure or building in violation of a condition of
14 a building permit;

15 (3) Fails to comply with any order issued by an enforcing agency
16 or the department;

17 (4) Makes a false or misleading written statement, or omits any
18 required information or statement in any application or request for
19 approval to an enforcing agency or the department;

20 (5) Knowingly sells or offers for retail sale any item, device or
21 material, the regular and intended use of which would violate any
22 provision of the State Uniform Construction Code;

23 Shall be subject to a penalty of not more than ~~[\$500.00]~~ \$2,000;
24 provided, however, that any penalties in excess of \$500.00 per
25 violation may be levied by an enforcing agency only in accordance
26 with subsection e. below.

27 Paragraph (5) above does not prohibit the retail sale or offering for
28 retail sale of any item, device or material which has more than one
29 regular and intended use, if one of those uses does not violate the
30 code, provided that the item, device or material is not publicly
31 advertised or otherwise promoted by the seller or manufacturer as
32 suitable for a use that would violate any provisions of the code.

33 b. Anyone who knowingly refuses entry or access to an inspector
34 lawfully authorized to inspect any premises, building or structure
35 pursuant to this act or who unreasonably interferes with such an
36 inspection shall be subject to a fine of not more than \$250.00.

37 c. With respect to subsection a. (3) of this section, a person shall
38 be guilty of a separate offense for each day that he fails to comply with
39 a stop construction order validly issued by an enforcing agency or the
40 department and for each week that he fails to comply with any other
41 order validly issued by an enforcing agency or the department. With
42 respect to subsections a. (1) and a. (4) of this section, a person shall
43 be guilty of a separate offense for each violation of any provision of

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Matter underlined thus is new matter.

1 this act or rules promulgated hereunder and for each false or
2 misleading written statement or omission of required information or
3 statement made in any application or request for approval to an
4 enforcing agency or the department. With respect to subsection a. (2)
5 of the section, a person shall be guilty of a separate offense for each
6 violation of the conditions of a construction permit.

7 d. The penalties pursuant to this section may be collected in a
8 summary proceeding pursuant to the "Penalty Enforcement Law"
9 (N.J.S.2A:58-1 et seq.). Jurisdiction to enforce such penalties is
10 hereby conferred upon judges of the municipal court, in addition to the
11 courts specified by N.J.S.2A:58-2. Suit may be brought by a
12 municipality or the State of New Jersey. Payment of a money
13 judgment pursuant hereto shall be remitted, in the case of a suit
14 brought by a municipality, to the municipal treasurer and in the case
15 of a suit brought by the State of New Jersey, to the State Treasurer.

16 e. Penalties in excess of \$500.00 per violation may be levied by an
17 enforcing agency only as follows:

18 (1) A penalty for failure or refusal to comply with any lawful order
19 shall not exceed \$1,000.00 per violation, unless the failure or refusal
20 to comply is done with the knowledge that it will endanger the life or
21 safety of any person, in which case the penalty shall not exceed
22 \$2,000.00 per violation;

23 (2) A penalty for failure to obtain a required permit prior to
24 commencing construction or for allowing a building to be occupied
25 without a certificate of occupancy shall not exceed \$2,000.00 per
26 violation;

27 (3) A penalty for failure to comply with a stop construction order
28 shall not exceed \$2,000.00 per violation;

29 (4) A penalty for willfully making a false or misleading written
30 statement, or willfully omitting any required information or statement
31 in any application or request for approval, shall not exceed \$2,000.00
32 per violation;

33 For purposes of this subsection, in an occupied building, only a
34 code violation involving fire safety, structural soundness or the
35 malfunctioning of mechanical equipment that would pose a life safety
36 hazard shall be deemed to endanger the life or safety of a person. In
37 an unoccupied building only a code violation of a requirement intended
38 to protect members of the public who are walking by the property shall
39 be deemed to endanger the life or safety of a person.

40 (cf: P.L.1983, c.83, s.1)

41

42 2. This act shall take effect immediately.

1 STATEMENT

2

3 As amended, this bill increases the per violation penalty amount
4 permitted under the provisions of the "State Uniform Construction
5 Code Act," from \$500 to \$2,000, and limits the amount which can be
6 charged in excess over \$500 for separate violations under certain
7 circumstances. The penalty has remained unchanged since the
8 enactment of the law in 1975.

9 The increased penalty under this bill would serve as a greater
10 deterrent against violations of the "State Uniform Construction Code
11 Act" by individuals engaged in construction projects in municipalities
12 throughout the State.

13 The bill limits the amount of a penalty to \$2,000 per violation, but
14 provides an additional limit on the amount of a penalty which can be
15 charged over \$500 for each violation as follows:

16 (1) A penalty for failure or refusal to comply with any lawful order
17 shall not exceed \$1,000.00 per violation, unless the failure or refusal
18 to comply is done with the knowledge that it will endanger the life or
19 safety of any person, in which case the penalty shall not exceed
20 \$2,000.00 per violation;

21 (2) A penalty for failure to obtain a required permit prior to
22 commencing construction or for allowing a building to be occupied
23 without a certificate of occupancy shall not exceed \$2,000.00 per
24 violation;

25 (3) A penalty for failure to comply with a stop construction order
26 shall not exceed \$2,000.00 per violation;

27 (4) A penalty for willfully making a false or misleading written
28 statement, or willfully omitting any required information or statement
29 in any application or request for approval, shall not exceed \$2,000.00
30 per violation;

31 The bill defines the situations under which a code violation in an
32 occupied building would be deemed to endanger life or safety as those
33 situations in which the violation involves fire safety, structural
34 soundness or any malfunctioning of mechanical equipment that would
35 pose a life safety hazard. A code violation in a unoccupied building
36 would be deemed to endanger life or safety only if the violation
37 involves a violation of any code requirement intended to protect the
38 safety of members of the public walking by the property.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2441

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 2003

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2441.

This bill would increase the per violation penalty amount permitted under the provisions of the "State Uniform Construction Code Act," from \$500 to \$2,000, and limit the amount which may be charged in excess of \$500 under certain circumstances. The penalty has remained unchanged since 1975. The increased penalties would deter individuals from violating the construction code.

The bill would allow an enforcing agency to levy penalties in excess of \$500 for each violation as follows:

- * A penalty not to exceed \$1,000 per violation could be levied for failure or refusal to comply with any lawful order, however if the failure or refusal to comply can be shown to have been committed with the knowledge that it will endanger the life or safety of any person, the penalty could be increased to an amount not exceeding \$2,000 per violation;
- * A penalty not to exceed \$2,000 per violation could be levied for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;
- * A penalty not to exceed \$2,000 per violation could be levied for failure to comply with a stop construction order;
- * A penalty not to exceed \$2,000 per violation could be levied for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval.

The bill provides that a code violation in an occupied building would be deemed to endanger life or safety of a person if the violation involves fire safety, structural soundness or any malfunctioning of mechanical equipment that would pose a life safety hazard. A code violation in an unoccupied building would be deemed to endanger life or safety of a person only if the violation involves a violation of any code requirement intended to protect the safety of members of the public walking by the property.