

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:27D-119 to 141 ("State Uniform Construction Code Act")

Laws of 1975 Chapter 217

Bill No. A1299

Sponsor(s) Pellecchia & 20 others

Date Introduced March 18, 1974

Committee: Assembly Commerce, Industry & Professions

Senate Municipal Gov't.

Amended during passage Yes ~~Amendments during passage denoted by asterisks~~

Date of passage: Assembly Feb. 27, 1975

Senate May 27, 1975

Date of approval Oct. 7, 1975

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto message No No

Message on signing Yes ~~No~~

Following were printed:

Reports No No

Hearings Yes No

Hearing on identical Senate Bill:

974.90 NJ Legislature. Senate. Labor, Industry and Professions
B923 Committee.
1974 Public hearing on S1137, held October 16, 1974. Trenton.
lv.

*The Uniform Construction Code Surcharge Fee: The Need for
Statutory Authorization. James Wunsch.*

10/4/76
MAY 1977

See also:

974.90 NJ Building and Housing Code Administration Committee.
B923 Toward a New Jersey career development system in
1975 code administration. Trenton, 1975.

NJ / Metzger, Sol A.
TB79 The Uniform construction code act: a progress
FA9 report. (from: New Jersey Law Journal, vol. 99,
M596 Oct. 21, 1976. 10p.).
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KFN
2259
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M47
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CHAPTER 217 LAWS OF N. J. 1975
APPROVED 10-7-75

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1299

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen PELLECCIA, BURSTEIN, ESPOSITO, KLEIN,
LEFANTE, HICKS, HAWKINS, SINSIMER, CALI, BROWN,
NERI, KEEGAN, GALLO, PERKINS, SHELTON, MCCARTHY,
JACKMAN, Assemblywoman TOTARO, Assemblymen GLAD-
STONE, OWENS and MACINNES

Referred to Committee on Commerce, Industry and Professions

AN ACT to authorize the Commissioner of Community Affairs to
adopt rules relating to the construction, alteration, renovation,
rehabilitation, maintenance, occupancy and use of buildings and
structures; to provide for Statewide approval of premanufac-
tured systems; to provide for the administration and enforcement
of the act; and to establish remedies and fix penalties for
violation of the act.

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

1 1. Short title. This act shall be known, and may be cited and
2 referred to, as the "State Uniform Construction Code Act."

1 2. Purpose. It is the intent and purpose of this act:

2 a. To encourage innovation and economy in construction and to
3 provide requirements for construction and construction materials
4 consistent with nationally recognized standards.

5 b. To formulate such requirements, to the extent practicable, in
6 terms of performance objectives, so as to make adequate perform-
7 ance for the use intended as the test of acceptability.

8 c. To permit to the fullest extent feasible the use of modern
9 technical methods, devices and improvements, including premanu-
10 factured systems, consistent with reasonable requirements for the
11 health, safety, and welfare of occupants or users of buildings and
12 structures.

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

13 d. To eliminate restrictive, obsolete, conflicting and unnecessary
 14 construction regulations that tend to unnecessarily increase con-
 15 struction costs or retard the use of new materials, products or
 16 methods of construction, or provide preferential treatment to types
 17 or ~~classes~~ of materials or products or methods of construction.

18 e. To insure adequate maintenance of buildings and structures
 19 throughout the State and to adequately protect the health, safety
 20 and welfare of the people.

21 f. To eliminate unnecessary duplication of effort and fees in the
 22 review of construction plans and the inspection of construction.

1 3. Definitions. As used in this act unless the context clearly
 2 indicates otherwise:

3 "Building" means, exclusive of a public school facility, a struc-
 4 ture enclosed with exterior walls or fire walls, built, erected and
 5 framed of component structural parts, designed for the housing,
 6 shelter, enclosure and support of individuals, animals or property
 7 of any kind.

8 "Business day" means any day of the year, exclusive of Satur-
 9 days, Sundays, and legal holidays.

10 "Certificate of occupancy" means the certificate provided for in
 11 section ~~*[11]*~~ **15** of this act indicating that the construction
 12 authorized by the ~~*[building]*~~ **construction** permit has been
 13 completed in accordance with the ~~*[building]*~~ **construction**
 14 permit, the State Uniform Construction Code and any ordinance
 14A implementing said code.

15 "Commissioner" means the Commissioner of Community
 16 Affairs.

17 "Code" means the State Uniform Construction Code.

18 "Construction" means the construction, erection, reconstruction,
 19 alteration, conversion, demolition, removal, repair or equipping of
 20 buildings or structures.

21 "Construction board of appeals" means the board provided for
 22 in section ~~*[8]*~~ **9** of this act.

23 "Department" means the Department of Community Affairs.

24 "Enforcing agency" means the municipal ~~*[building official~~
 25 ~~provided for in section 7 and assistants and inspectors subordinate~~
 26 ~~to him]*~~ **construction official and subcode officials provided for in*
 26A *section 8 of this act and assistants thereto*.*

27 "Equipment" means plumbing, heating, electrical, ventilating,
 28 air conditioning ~~**[and]**~~ ***;* ~~** refrigerating~~ ***and fire pre-*
 29 *vention*** equipment, and elevators, dumb waiters, escalators,
 30 boilers, pressure vessels and other mechanical facilities or in-
 30A stallations.

31 "Hearing examiner" means a person appointed by the commis-
 32 sioner to conduct hearings, summarize evidence, and make findings
 33 of fact.

34 "Maintenance" means the replacement or mending of existing
 35 work with equivalent materials or the provision of additional work
 36 or material for the purpose of the safety, healthfulness, and up-
 37 keep of the structure and the adherence to such other standards
 38 of upkeep as are required in the interest of public safety, health
 39 and welfare.

40 "Mobile home" means a vehicular, portable structure which is
 41 built on a chassis and designed to be used without a permanent
 42 foundation as a dwelling for year round rather than temporary
 43 occupancy when connected to required utilities.

44 "Municipality" means any city, borough, town, township or
 45 village.

46 "Owner" means the owner or owners in fee of the property or
 47 a lesser estate therein, a mortgagee or vendee in possession, an
 48 assignee of rents, receiver, executor, trustee, lessee, or any other
 49 person, firm or corporation, directly or indirectly in control of a
 50 building, structure, or real property and shall include any sub-
 51 division thereof of the State.

52 "Premanufactured system" means an assembly of materials or
 53 products that is intended to comprise all or part of a building
 54 or structure, exclusive of a public school facility, and that is
 55 assembled offsite by a repetitive process under circumstances
 56 intended to insure uniformity of quality and material content.

57 "Public school facility" means any building or any part thereof
 58 where the plans and specifications are submitted to, and approved
 59 by, the State Board of Education pursuant to N. J. S. 18A:18-2.

60 "Stop construction order" means the order provided for in sec-
 61 tion ***[13]*** *14* of this act.

62 "State Uniform Construction Code" means the code provided for
 63 in section 5 of this act, or any portion thereof, and any modification
 64 of or amendment thereto.

65 "Structure" means, exclusive of a public school facility, a com-
 66 bination of materials to form a construction for occupancy, use,
 67 or ornamentation whether installed on, above, or below the surface
 68 of a parcel of land; provided, the word "structure" shall be
 69 construed when used herein as though followed by the words "or
 70 part or parts thereof and all equipment therein" unless the context
 71 clearly requires a different meaning.

1 ***[4]**. Legislative findings. It is hereby found and declared:

2 a. That the model codes of the Building Officials and Code Ad-
3 ministrators International, Inc., or modifications thereof, have been
4 widely adopted in the State of New Jersey and in the geographical
5 region of the United States of which New Jersey is a part;

6 b. That because of the wide adoption in this State of the model
7 codes of the Building Officials and Code Administrators Inter-
8 national, Inc., or modification thereof, the adoption of such codes
9 pursuant to this act will cause less confusion in enforcement than
10 the adoption of any other codes or codes of similar nature;

11 c. That the need for new construction in the State of New Jersey
12 can be met in part by the use of premanufactured systems fabricated
13 in the geographical region of the United States of which New Jersey
14 is a part and that these systems are largely designed in accordance
15 with the standards of the model codes of the Building Officials and
16 Code Administrators International, Inc.]*

17 *4. *Legislative findings. It is hereby found and declared:*

18 a. *That a multiplicity of construction codes currently exists in*
19 *this State and some of these codes contain needless restrictions*
20 *which limit the use of certain materials, techniques or products*
21 *without any benefits to the public. Moreover, the variation of con-*
22 *struction standards caused by the multiplicity of codes slows the*
23 *process of construction and increases the costs of construction.*

24 b. *That the way to insure uniform, modern construction stan-*
25 *dards and regulations throughout the State of New Jersey which*
26 *will lower the cost of housing and other construction without any*
27 *detriment to the public health, safety and welfare is to adopt a*
28 *uniform State construction code.*

29 c. *That the need of new construction in the State can be met in*
30 *part by the use of premanufactured systems which are fabricated*
31 *in the geographical region of the United States of which New Jersey*
32 *is a part and that a uniform construction code should include*
33 *standards to permit the use of such systems.*

34 d. *That the model codes of the Building Officials and Code*
35 *Administrators International, Inc., the National Electrical Code*
36 *and the National Standard Plumbing Code, or modification thereof,*
37 *are construction codes which have been widely adopted in this State*
38 *and in the geographical region of the United States of which New*
39 *Jersey is a part and adoption of these nationally recognized codes*
40 *pursuant to this act will insure that the State has a uniform, modern*
41 *construction code which will insure health, safe, and sanitary con-*
42 *struction but also less expensive construction for the citizens of this*
43 *State.**

1 5. Adoption of a State Uniform Construction Code.

2 a. The commissioner shall after public hearing pursuant to
 3 section 4 of the "Administrative Procedure Act," P. L. 1968, c. 410
 4 (C. 52:14B-4) adopt a State Uniform Construction Code for the
 5 purpose of regulating the structural design, construction, main-
 6 tenance and use of buildings or structures to be erected and altera-
 7 tion, renovation, rehabilitation, repair, maintenance, removal or
 8 demolition of buildings or structures already erected. Prior to the
 9 adoption of said code, the commissioner shall consult with **the code*
 10 *advisory board and** other departments, divisions, bureaus, boards,
 11 councils, or other agencies of State Government heretofore
 12 authorized to establish or administer construction regulations.
 13 **Such prior consultations with departments, divisions, bureaus,*
 13A *boards, councils, or other agencies of State Government shall in-*
 13B *clude but not be limited to consultation with the Commissioner of*
 13C *Health and the Public Health Council prior to adoption of a plumb-*
 13D *ing subcode pursuant to paragraph b. of this section.** Said code
 13E shall include any code, rule or regulation incorporated therein by
 13F reference.

14 b. The code shall be divided into subcodes which may be adopted
 15 individually by the commissioner as he may from time to time
 16 consider appropriate. Said subcodes shall include but not be limited
 17 to a building code, a plumbing code, an electrical code, **an energy*
 18 *code,** a fire ****[safety]**** **prevention*** code, a mobile home
 18A code and mechanical code.

19 These subcodes shall be adoptions of the model codes of the
 20 Building Officials and Code Administrators International, Inc.,
 21 **the National Electrical Code, and the National Standard Plumb-*
 22 *ing Code,** provided that ***[in the absence of a particular model**
 23 **code of the Building Officials and Code Administrators Interna-**
 24 **tional, Inc. or]*** for ***[other]*** good reasons, the commissioner may
 25 adopt as a subcode a model code of some other nationally recognized
 26 organization upon a finding that such model code promotes the
 27 purposes of this act. The initial adoption of a model code as a sub-
 27A code shall constitute adoption of any subsequent revisions or
 27B amendments thereto.

27C ***The commissioner shall be authorized to adopt a barrier free*
 27D *subcode or to supplement or revise any model code adopted here-*
 27E *under, for the purpose of insuring that adequate and sufficient*
 27F *features are available in buildings or structures so as to make*
 27G *them accessible to and usable by the physically handicapped.***

28 c. The Department of Education shall annually update its rules
 29 and regulations concerning public school facilities for the pur-
 30 pose***[, where appropriate,]*** of**, *insofar as appropriate for*
 31 *such facilities*** making them conform with the State Uniform
 32 Construction Code. Such updating shall be undertaken in consulta-
 33 tion with the commissioner. ***Within 3 years from the effective*
 34 *date of this act, the Department of Education and commissioner*
 35 *shall submit to the Legislature reports on the extent to which the*
 36 *Department of Education's rules and regulations have been*
 37 *brought into conformity with the code, and identifying problems*
 38 *still outstanding for purposes of applying the provisions of the*
 39 *code to all public school facilities.***

1 6. Powers of the commissioner. The commissioner shall have
 2 all the powers necessary or convenient to effectuate the purposes
 3 of this act, including, but not limited to, the following powers in
 4 addition to all others granted by this act:

5 a. To adopt, amend and repeal*, *after consultation with the code*
 6 *advisory board,* rules*: (1)* relating to the administration and*
 6A *enforcement of **[the code]** **this act** and *(2)* the qualifica-*
 7 *tions or licensing, or both, of all persons employed by enforcing*
 8 *agencies of the State to enforce this act or the code**, except that,*
 8A *plumbing inspectors shall be subject to the rules adopted by the*
 8B *commissioner only insofar as such rules are compatible with such*
 8C *rules and regulations, regarding health and plumbing for public*
 8D *and private buildings, as may be promulgated by the Public Health*
 8E *Council in accordance with Title 26 of the Revised Statutes**.*

9 b. To enter into agreements with Federal and State of New Jer-
 10 sey agencies*, *after consultation with the code advisory board,* to*
 11 *provide insofar as practicable (1) single-agency review of construc-*
 12 *tion plans and inspection of construction and (2) intergovernmental*
 13 *acceptance of such review and inspection to avoid unnecessary*
 14 *duplication of effort and fees. The commissioner shall have the*
 15 *power to enter into such agreements although the Federal*
 15A *standards are not identical with State standards; provided*
 16 *that the same basic objectives are **[reasonably expected to be]***
 17 *met. The commissioner shall have the power through such agree-*
 18 *ments to bind the State of New Jersey and all governmental en-*
 19 *tities deriving authority therefrom.*

20 c. To take testimony and hold hearings relating to any aspect
 21 of or matter relating to the administration or enforcement of this
 22 act*, *including but not limited to prospective interpretation of the*
 22A *code **so as to resolve inconsistent or conflicting code inter-*

23 pretations**,* and, in connection therewith, issue subpoenas to com-
 24 pel the attendance of witnesses and the production of evidence.
 25 The commissioner may designate one or more hearing examiners
 25A to hold public hearings and report on such hearings to the com-
 25B missioner.

26 d. To encourage, support or conduct*, *after consultation with*
 27 *the code advisory board**, educational and training programs for
 28 employees, agents and inspectors of enforcing agencies, either
 29 through the Department of Community Affairs or in cooperation
 30 with other departments of State Government, enforcing agencies,
 31 educational institutions, or associations of ***[building]* **[*con-**
 31A **struction*]**** code officials.

32 e. To study the effect of this act and the code to ascertain their
 33 effect upon the cost of building construction and maintenance, and
 34 the effectiveness of their provisions for insuring the health, safety,
 35 and welfare of the people of the State of New Jersey.

36 f. To make, establish and amend*, *after consultation with the*
 37 *code advisory board**, such rules as may be necessary, desirable or
 38 proper to carry out his powers and duties under this act.

1 ***7. Code advisory board.**

2 a. *To assist and advise the commissioner in the administration*
 3 *of this act there is hereby created in the Department of Community*
 4 *Affairs a code advisory board to consist of ****[11]** **13**** citizens*
 5 *to be appointed by the commissioner for a term of 4 years. The board*
 6 *shall consist of: one architect registered in the State of New Jersey;*
 7 *two professional engineers licensed by the State of New Jersey, one*
 8 *of whom shall be a mechanical engineer and one of whom shall be a*
 9 *structural engineer; one municipal building official; one member of*
 10 *the building industry in the State of New Jersey; one public health*
 11 *official in the State of New Jersey; one licensed plumbing inspector*
 12 *in the State of New Jersey; ****one** licensed electrical inspector in the*
 12A *State of New Jersey; one fire prevention inspector in the*
 12B *State of New Jersey** and four members of the public, two of*
 13 *whom shall be experienced in representing consumers. Of the*
 14 *members first appointed the commissioner shall designate the*
 15 *appointees' terms so that three shall be appointed for terms of 1*
 16 *year, three for terms of 2 years, three for terms of 3 years and*
 17 *****[two]** **four**** for terms of 4 years. Their successors shall*
 18 *be appointed for terms of 4 years.*

19 b. *Code advisory board members shall serve without compensa-*
 20 *tion but shall be entitled to reimbursement for expenses incurred*
 21 *in performance of their duties. Vacancies on the advisory board*

22 shall be filled for the unexpired term. Members may be removed by
23 the commissioner for cause.

24 c. The code advisory board shall appoint a committee for each
25 subcode ***and, should a subcode therefor not be adopted, for sup-*
26 *plements to or revisions of the barrier free design provisions of*
27 *any model code*** adopted pursuant to section 5 of this act. Each
27A such committee shall consist of one member of the code advisory
28 board, who shall be chairman, and four citizens who are experienced
29 and knowledgeable in matters related to the particular subcode.
30 Each committee shall advise and assist the code advisory board in
31 the performance of its responsibilities under this act for the sub-
32 code in question. Committee members shall serve without com-
33 pensation and at the pleasure of the code advisory board.*

1 **[7.]* *8.* Administration and enforcement.*

2 a. The appointing authority of any municipality ***[may]***
3 ***shall*** appoint a **[building]* *construction** official **and **any*
4 *necessary*** subcode officials* to administer and enforce the code
5 and a construction board of appeals to hear and decide appeals
6 from decisions made by said **[building]* *construction** official
6A **and subcode officials,** in the administration and enforcement of
6B the code. **Nothing herein, however, shall prevent a municipality*
6C *from accepting inspections as to compliance with the code or any*
6D *subcode thereof made by an inspection authority approved by the*
6E *State of New Jersey pursuant to law.**

7 b. A municipal **[building]* *construction** official **and any*
8 *subcode official** shall be appointed for a term of 4 years, provided,
9 however, that tenure shall continue for (1) any **[building]* *con-*
10 *struction** official **or subcode official** who is serving under tenure
11 as otherwise provided by law on the effective date of this act or
12 within 1 year thereafter, **[and (2) any building official]* *or (2)*
13 *any person** certified pursuant to subsection c. of this section
14 **[who]* *and* **who*** subsequently gains such tenure. Nothing
15 in this section shall affect the civil service status of any **[build-*
15A *ing]* *construction or subcode** official who at the effective date of
15B this act or subsequently comes under the provisions of Title 11 of
15C the Revised Statutes.

16 **[The building official in each municipality shall head the "en-*
17 *forcing agency."* The municipality shall provide for such inspectors
18 and staff, consistent with regulations adopted by the commissioner
19 as are necessary for proper administration and enforcement of the
20 code. Such regulations shall, to the maximum extent feasible, take
21 into account existing employees of the municipality and local board
22 of health, and their tenure and civil service status.]*

23 A ***[building]*** **construction or subcode** official, to be eligible
 24 for appointment, shall be certified by the State of New Jersey in
 25 accordance with subsection c. of this section and shall have had at
 26 least 3 years experience in construction, design or supervision **as*
 27 *a licensed engineer or registered architect; or 5 years experience*
 28 *in construction design, or supervision as an architect or engineer*
 29 *with a bachelor's degree from an accredited institution of higher*
 30 *education; or 10 years experience in construction, design or super-*
 31 *vision as a journeyman in a trade or as a contractor*. *The build-*
 32 *ing]* *A subcode* official shall*, pursuant to any subcode which
 33 *he administers,* pass upon*: (1) **[pass upon]** matters relative*
 34 *to the mode, manner of construction or materials to be used in the*
 35 *erection or alteration of buildings or structures, except as to any*
 36 *such matter foreclosed by State approval pursuant to this act*[.*
 37 *The building official shall pass on the]* **, and (2)* actual execution*
 38 *of the approved plans and the installation of the materials*
 39 *approved by the State. *The construction official in each munici-*
 40 *pality shall be the chief administrator of the "enforcing agency."*
 41 *He shall have the power to overrule a determination of a subcode*
 42 *official based on an interpretation of a substantive provision of the*
 43 *subcode which such subcode official administers only if the con-*
 44 *struction official is qualified to act pursuant to this act as a subcode*
 45 *official for such subcode. He may serve as subcode official for any*
 46 *subcode which he is qualified under this act to administer. A sub-*
 47 *code official or municipal engineer may serve as a construction*
 48 *official if otherwise qualified under the provisions of this act.**
 49 **[He]* *The municipal enforcing agency* shall require compliance*
 50 *with the provisions of the code, of all rules lawfully adopted and*
 51 *promulgated thereunder and of laws relating to the construction,*
 52 *alteration, repair, removal, demolition and integral equipment and*
 53 *location, occupancy and maintenance of buildings and structures,*
 54 *except as may be otherwise provided for.**

55 Two or more municipalities may provide by ordinance, subject
 56 to regulations established by the commissioner, for the joint
 57 appointment of a ***[building]*** **construction** official **and subcode*
 58 *official** for the purpose of enforcing the provisions of the code in
 59 the same manner.

60 c. No person shall act as a ***[building]*** **construction** official
 61 **or subcode official** for any municipality unless the commissioner
 62 determines that said person is so qualified except for the following:
 63 (1) a municipal ***[building]*** **construction** official **or subcode*
 64 *official** holding office under ****[tenure*,]**** *permanent civil ser-*

65 *vice status, or* *****tenure**** as otherwise provided by law on the
 66 effective date of this act or within 1 year thereafter and (2) a
 67 municipal ***[building]* *construction*** official **or subcode official**
 68 holding office without *****such permanent civil service status or****
 69 tenure on the effective date of this act or within 1 year thereafter;
 70 provided said ***[building]* *construction*** official **or subcode*
 70A *official** not having *****such permanent civil service status or****
 70B **tenure******[*]**, except a person holding on the effective date
 71 of this act a valid plumbing inspector's license from the Depart-
 72 ment of Health pursuant to Title 26 of the Revised Statutes or hold-
 73 ing a valid electrical inspector's license from the Board of Public
 74 Utility Commissioners pursuant to Title 48 of the Revised
 75 Statutes**]***** shall be certified in accordance with this act within 4
 76 years of the effective date thereof *****provided further that a per-**
 77 **son holding on the effective date of this act a valid plumbing in-**
 78 **spector's license from the Department of Health pursuant to**
 79 **Title 26 of the Revised Statutes may serve as a plumbing subcode**
 80 **official and a person holding on the effective date of this act a valid**
 81 **electrical inspector's license from the Board of Public Utility**
 81A **Commissioners pursuant to Title 48 of the Revised Statutes may**
 81B **serve as an electrical subcode official.**** The commissioner*, after
 81C *consultation with the code advisory board,** may authorize the
 81D preparation and conducting of oral, written and practical examina-
 81E tions to determine if a person is qualified by this act to be eligible
 81F to be a ***[building]* *construction*** official **or subcode official** or,
 81G in the alternative, may accept successful completion of programs of
 82 training as proof of qualification within the meaning of this act.
 83 Upon a determination of qualification the commissioner shall issue
 84 or cause to be issued a certificate to the ***[building]* *construction***
 85 **official *or subcode official*** or trainee stating that he is so certified.
 86 The commissioner*, *after consultation with the code advisory*
 87 *board,** may establish classes of certification that will recognize
 88 the varying complexities of code enforcement in the municipalities
 89 within the State. The commissioner ***[may]* *shall after con-**
 90 **sultation with the code advisory board,*** provide for educational
 91 programs designed to train and assist ***[building]* *construction***
 92 **officials *and subcode officials*** in carrying out their responsibilities.
 93 ***Whenever the commissioner is required by the terms of this sub-**
 94 **section to consult with the code advisory board and the matter in**
 95 **question concerns plumbing subcode officials, the commissioner shall**
 96 **also consult with the Public Health Council and Commissioner of**
 97 **Health.**

98 *d. The commissioner, after consultation with the code advisory*
 99 *board, may periodically require that each construction official and*
 100 *subcode official demonstrate a working knowledge of innovations in*
 101 *construction technology and materials, recent changes in and addi-*
 102 *tions to the relevant portions of the State Uniform Construction*
 103 *Code, and current standards of professional ethics and legal*
 104 *responsibility; or, in the alternative, the commissioner, after con-*
 105 *sultation with the code advisory board, may accept successful com-*
 106 *pletion of appropriate programs of training as proof of such work-*
 107 *ing knowledge.**

1 ***[8.]** *9.* Construction board of appeals.

2 a. ***[**There shall be a construction board of appeals for each
 3 municipality to hear appeals from decisions by the enforcing agency
 4 except that where two or more municipalities have combined to
 5 appoint a building official, a single board shall be established for
 6 the combined municipalities. The construction boards of appeals
 7 shall consist of not less than three nor more than seven members,
 8 as determined by the governing body of each municipality or, in
 9 the case of combined municipalities, as mutually determined by
 10 the governing bodies of such municipalities. Unless otherwise pro-
 11 vided by ordinance, or mutual ordinances in the case of combined
 12 municipalities, board members shall be appointed for 2-year terms.
 13 Said appointments shall be made by the appointing authority of the
 14 municipality or, in the case of combined municipalities, by such
 15 means as the municipalities shall agree upon. Each member of the
 16 board shall be qualified by experience or training to perform the
 17 duties of members of the construction board of appeals. A person
 18 may serve on the construction board of appeals of more than one
 19 municipality.* *There shall be a construction board of appeals for*
 20 *each county to hear appeals from decisions by the enforcing agency*
 21 *provided that any municipality may establish its own construction*
 22 *board of appeals to hear appeals from decisions by the enforcing*
 23 *agency and further provided that where two or more municipalities*
 24 *have combined to appoint a construction official and subcode*
 25 *officials such combined municipalities may establish a joint con-*
 26 *struction board of appeals. Any such municipal or joint board*
 27 *shall hear appeals from the decisions of the municipal or joint*
 28 *enforcing agency, as the case may be, instead of the county board.*

29 *Every construction board of appeals shall consist of five members.*
 30 *Each member of the board shall be qualified by experience or*
 31 *training to perform the duties of members of the construction*
 32 *board of appeals. Board members shall be appointed for a term*

33 of 4 years by the appointing authority of the county or municipality
 34 in question or, in the case of a joint municipal board, by means
 35 mutually determined by the governing bodies of such municipalities.
 36 For the members first appointed, the appointing authority shall
 37 designate the appointees' terms so that one shall be appointed
 38 for a term of 1 year, one for a term of 2 years, one for a term of
 39 3 years, and two for a term of 4 years. Vacancies on the board
 40 shall be filled for the unexpired term. Members may be removed
 41 by the authority appointing them for cause. A person may serve
 42 on more than one construction board of appeals.*

43 b. When an enforcing agency refuses to grant an application
 44 *or refuses to act upon application* for a ***[building]*** *construc-
 45 tion* permit, or when the enforcing agency makes any other
 46 decision, pursuant or related to this act or the code, an owner, or
 47 his authorized agent, may appeal in writing to the ***[board]***
 48 *county or municipal **or joint** board, whichever is
 49 appropriate*. The board shall hear the appeal, render a
 50 decision thereon and file its decision with a statement
 50A of the reasons therefor with the enforcing agency from
 51 which the appeal has been taken not later than 10 business
 52 days following the submission of the appeal, unless such period of
 53 time has been extended with the consent of the applicant. Such
 54 decision may affirm, reverse or modify the decision of the enforcing
 55 agency or remand the matter to the enforcing agency for further
 56 action. A copy of the decision shall be forwarded by certified or
 57 registered mail to the party taking the appeal. Failure by the
 58 board to hear an appeal and render and file a decision thereon within
 59 the time limits prescribed in this subsection shall be deemed a
 60 denial of the appeal for purposes of a complaint, application or
 61 appeal to a court of competent jurisdiction****[*]; provided that such**
 62 *failure by the board shall be deemed an approval of the appeal*
 63 *to it in the case of an appeal for failure of the enforcing agency*
 64 *to approve, in whole or in part, or deny an application for a*
 65 *construction permit****]*****. A record of all decisions made by the
 66 board, properly indexed, shall be kept by the enforcing agency and
 67 shall be subject to public inspection during business hours. The
 68 board shall provide rules for its procedure in accordance with this
 69 act and regulations established by the commissioner.

1 ***[9.]*** *10.* Substitute administration and enforcement. When-
 2 ever a municipality or several municipalities decide not to admin-
 3 ister and enforce the code and request the commissioner to assume
 4 that task, the commissioner shall by regulation provide for the

5 enforcement of the code and this act in said municipality or munici-
 6 palities and for payment to the State of fees necessary to defray
 7 the expenses in furtherance of that end and the commissioner shall
 8 have all the powers conferred by this act upon any municipal
 9 governing body, chief executive, ***[building official]*** or enforcing
 10 agency and all other powers necessary and convenient to that end,
 11 provided that the commissioner shall provide a departmental
 12 appeal in lieu of an appeal to a municipal or joint construction
 13 board of appeals.

14 The commissioner shall hold hearings pursuant to section 6 c. of
 15 this act in order to establish regulations defining the operation of
 16 this section.

1 ***[10.]*** *11.* State buildings ***and buildings of interstate*
 2 *agencies***. ***a.*** Notwithstanding any other provision of
 2A this act, the Division of Buildings and Construction in the
 3 Department of the Treasury shall have exclusive authority to
 4 administer and enforce the code in regard to buildings and struc-
 5 tures owned by the State **[of New Jersey]***, *and any of its*
 6 *departments, divisions, bureaus, boards, councils, authorities or*
 7 *other agencies provided that the division shall enforce the code*
 8 *with persons certified by the commissioner pursuant to this act.*
 9 *Prior to approval of plans and specifications for a structure or*
 10 *building costing in excess of \$50,000.00, the Division of Buildings*
 11 *and Construction in the Department of the Treasury shall hold*
 12 *a public hearing in the county in which the building is to be located*.*

13 ***b. Construction, alteration, renovation, rehabilitation, repair,*
 14 *removal or demolition of any building or structure situated wholly*
 15 *within New Jersey by or for an agency created by an interstate*
 16 *compact to which the State of New Jersey is a party shall be sub-*
 17 *ject to the provisions of the code; provided that such interstate*
 18 *agency shall have exclusive authority to administer and enforce*
 19 *the code in regard to such buildings and structures.***

1 ***[11.]*** *12.* Permit required for construction or alteration of
 2 buildings and structures; application therefor; required contents
 3 of application; issuance, effect and duration of permits; public
 4 school facilities. Except as otherwise provided by this act or in
 5 the code, before construction or alteration of any building or
 6 structure, the owner, or his agent, engineer or architect, shall submit
 7 an application in writing, including signed and sealed drawings
 8 and specifications, to the **[building official]*** **enforcing agency**
 9 as defined in this act. The application shall be in accordance with
 10 regulations established by the commissioner and on a form pre-

11 scribed by the commissioner and shall be accompanied by payment
 12 of the fee to be established by the municipal governing body by
 13 ordinance in accordance with standards established by the com-
 14 missioner. The application for a ***[building]*** **construction**
 15 permit shall be filed with the enforcing agency and shall be a
 16 public record; and no application for a ***[building]*** **construction**
 17 permit shall be removed from the custody of the enforcing agency
 18 after a ***[building]*** **construction** permit has been issued.
 19 Nothing contained in this paragraph shall be interpreted as
 20 preventing the imposition of requirements in the code, for addi-
 21 tional permits for particular kinds of work, including but not
 22 limited to plumbing, electrical, elevator**, *fire prevention equip-*
 23 *ment*** or boiler installation or repair work, or in other defined
 23A situations.

24 ***[Prior to]*** **When final plans for** the construction or altera-
 25 tion of a public school **facility** ***[approved by]*** **are submitted*
 26 *to** the Department of Education, ***[the]*** **for approval, such**
 27 plans ***[for such construction or alteration]*** shall **also** be filed
 28 with the ***[building official]*** **enforcing agency** of the municipality
 29 in which the public school **facility** is located. The ***[building**
 30 **official]*** **enforcing agency** shall have the right ****[only]**** to in-
 31 spect any construction or alteration of a public school ***[building]***
 32 **facility** for the purpose of advising the board of education of
 33 the school district in which the **public** school ***[building]***
 34 **facility** is being constructed and the Commissioner of Education
 35 of any violations of the ****[code]**** ***school house guide, adopted*
 36 *pursuant to Title 18A of the New Jersey Statutes,*** or practices
 37 detrimental to the health and safety of the community. ***The*
 38 *advice of the enforcing agency shall be binding upon the district*
 39 *board of education, except that an appeal to the Department of*
 40 *Education shall be available to the district board of education.***
 41 ***[If any]*** **When** changes in the plans for construction or
 42 alteration of a public school ***[building]*** **facility** ****[are]****
 43 ***[made and approved by]*** **are submitted to** the Department of
 44 Education, **for approval,** said plans shall **also** be submitted
 45 ***[as soon as possible]*** to the ***[building official]*** **enforcing*
 46 *agency** of the municipality in which the **public** school ***[build-**
 47 **ing]*** **facility** is or shall be located.

1 ***[12.]*** **13.** Examination and approval of applications for
 2 permits; expiration or cancellation of permits.

3 a. The enforcing agency shall examine each application for a
 4 ***[building]*** **construction** permit. If the application conforms

5 with this act, the code, and the requirements of other applicable
 6 laws and ordinances, the enforcing agency shall approve the ap-
 7 plication and shall issue a ***[building]* *construction*** permit to
 8 the applicant. Every application for a ***[building]* *construction***
 9 permit shall be granted, in whole or in part, or denied within 20
 10 business days. **If application is denied in whole or in part, the*
 11 *enforcing agency shall set forth the reasons therefor in writing.**
 12 ***[Failure by]*** **If** an enforcing agency **fails** to grant, in whole
 13 or in part, or deny an application for a ***[building]* *construction***
 14 permit within the period of time prescribed herein**, *such*
 15 *failure*** shall be deemed a denial of the application
 16 for purposes of an appeal to the construction board
 16A of appeals unless such period of time has been extended
 17 with the consent of the applicant. The enforcing agency
 18 may approve changes in plans and specifications previously
 19 approved by it, if the plans and specifications when so changed
 20 remain in conformity with law. Except as otherwise provided
 21 in this act or the code, the construction or alteration of a building
 22 or structure shall not be commenced until a ***[building]* *con-**
 23 **struction*** permit has been issued. The construction of a building
 24 or structure shall be in compliance with the approved application
 25 for a ***[building]* *construction*** permit; and the enforcing agency
 26 shall insure such compliance in the manner set forth in section
 27 ***[13]* *14*** of this act.

28 The commissioner*, *after consultation with the code advisory*
 29 *board,** may, for certain classes or types of ***[employment,]***
 30 **** *[construction]** **occupancy**** *posing special or unusual*
 31 *hazards to public safety,** establish regulations designating the
 32 department as the enforcing agency for purposes of approving
 33 plans and specifications. A municipal enforcing agency shall not
 34 grant a ***[building]* **[*construction*]** **occupancy**** permit
 35 for any such class or type of construction unless the applicant
 35A submits appropriate plans and specifications certified or
 36 approved by the department. Upon submission by an applicant
 37 of such certified approved plans and specifications, the enforcing
 38 agency shall recognize the approval when deciding whether to
 39 approve the application for a ***[building]* *construction*** permit.
 40 b. A ***[building]* *construction*** permit, issued in accordance
 41 with the foregoing provisions, pursuant to which no construction
 42 has been undertaken above the foundation walls within 1 year
 43 from the time of issuance, shall expire. The enforcing agency
 44 may suspend, revoke or cancel a ***[building]* *construction*** permit
 45 in case of neglect or failure to comply with the provisions of this

46 act or the code, or upon a finding by it that a false statement or
 47 representation has been made in the application for the ***[building]*** **construction** permit.
 48

1 ***[13.]*** **14.** Inspection of construction by enforcing agency;
 2 right of entry; stop construction orders.

3 a. The enforcing agency shall periodically inspect all construc-
 4 tion undertaken pursuant to a ***[building]*** **construction** permit
 5 issued by it to insure that the construction or alteration is per-
 6 formed in accordance with the conditions of the ***[building]*** **con-*
 7 *struction** permit and consistent with the requirements of the code
 7A and any ordinance implementing said code.

8 b. The owner of any premises upon which a building or structure
 9 is being constructed shall be deemed to have consented to the in-
 10 spection by the enforcing agency and the department, of the
 11 entire premises and of any and all construction being performed
 12 on it until a certificate of occupancy has been issued. An inspector,
 13 or team of inspectors, on presentation of proper credentials, shall
 14 have the right to enter and inspect such premises, and any and all
 15 construction thereon, for purposes of ensuring compliance with the
 16 provisions of the applicable ***[building]*** **construction** permit,
 17 the code, and other applicable laws and regulations. All inspection
 18 pursuant to this act shall be between the hours of 9 a.m. and 5 p.m.
 19 on business days, or when construction is actually being undertaken,
 20 provided, however, that inspections may be conducted at other times
 21 if the enforcing agency has reasonable cause to believe that an im-
 22 mediate danger to life, limb or property exists, or if permission
 23 is given by an owner, or his agent, architect, engineer or builder.
 24 No person shall accompany an inspector or team of inspectors on
 25 any inspection pursuant to this act, unless his presence is necessary
 26 for the enforcement of this act, or the code, or unless consent is
 27 given by an owner or his agent, architect, engineer or builder.

28 c. If the construction of a structure or building is being under-
 29 taken contrary to the provisions of a ***[building]*** **construction**
 30 permit, this act, the code, or other applicable laws or ordinances,
 31 the enforcing agency ***[shall]*** **may** issue a stop construction
 32 order in writing which shall state the conditions upon which
 33 construction may be resumed and which shall be given to the owner
 34 or the holder of the ***[building]*** **construction** permit or to
 34A the person performing the construction. If the person doing the
 35 construction is not known, or cannot be located with reasonable
 36 effort, the notice may be delivered to the person in charge of, or
 37 apparently in charge of, the construction. No person shall continue,

38 or cause or allow to be continued, the construction of a building
 39 or structure in violation of a stop construction order, except with
 40 the permission of the enforcing agency to abate a dangerous con-
 41 dition or remove a violation, or except by court order. If an order
 42 to stop construction is not obeyed, the enforcing agency may apply
 43 to the appropriate court as otherwise established by law for an
 44 order enjoining the violation of the stop construction order. The
 45 remedy for violation of such an order provided in this subsection
 46 shall be in addition to, and not in limitation of, any other remedies
 47 provided by law or ordinance.

1 ***[14.]*** *15.* Certificates of occupancy. No building or struc-
 2 ture hereafter constructed shall be used or occupied in whole or in
 3 part until a certificate of occupancy shall have been issued by the
 4 enforcing agency. No building or structure hereafter altered, in
 5 whole or in part, shall be used or occupied until such a certificate has
 6 been issued, except that any use or occupancy in an already existing
 7 building or structure that was not discontinued during its altera-
 8 tion may be continued in the preexisting structure for 30 days after
 9 the completion of the alteration without the issuance of a certificate
 10 of occupancy. A certificate of occupancy shall be issued by the
 11 enforcing agency when all of the work covered by a ***[building]***
 12 *construction* permit shall have been completed in accordance
 13 with the permit, the code, and other applicable laws and ordinances.
 14 On request of a holder of a ***[building]*** *construction* permit,
 15 the appropriate enforcing agency may issue a temporary certificate
 16 of occupancy for a building or structure, or part thereof,
 16A before the entire work covered by the ***[building]*** *construction*
 17 permit has been completed, if the part or parts of the building or
 18 structure to be covered by the certificate may be occupied prior
 19 to completion of all work in accordance with the permit, the code,
 20 and other applicable laws and ordinances, without endangering
 21 the health and safety of the occupants or users. When a building
 22 or structure is entitled thereto, the enforcing agency shall issue a
 23 certificate of occupancy within 10 business days after receipt of a
 24 written application therefor in accordance with regulations estab-
 25 lished by the commissioner on a form prescribed by the commis-
 26 sioner accompanied by payment of a fee to be established by the
 27 municipal governing body by ordinance in accordance with stan-
 28 dards established by the commissioner. The certificate of occupancy
 29 shall certify that the building or structure has been constructed in
 30 accordance with the provisions of the ***[building]*** *construction*
 31 permit, the code, and other applicable laws and ordinances.

1 ***[15.]*** *16.* Stay of proceedings. Neither an appeal to a
 2 **county,** municipal or joint construction board of appeals nor a
 3 departmental appeal nor an appeal to a court of competent juris-
 4 diction shall automatically stay any order to stop construction
 5 issued pursuant to this act or prevent the seeking of an order in a
 6 court of competent jurisdiction to enjoin the violation of a stop
 7 construction order.

1 ***[16.]*** *17.* Premanufactured systems. The commissioner
 2 shall by rules promulgated hereunder establish a procedure
 3 whereby premanufactured systems intended for use in the State
 4 may, if entitled thereto, be issued a certificate of acceptability by
 5 the department at its place of manufacture. The procedure shall
 6 include a requirement that the manufacturer submit to the depart-
 7 ment detailed plans and specifications for the premanufactured
 8 system for approval in compliance with the requirements of the
 8A code.

9 It may also include a requirement that the manufacturer submit
 10 to the department test results on the premanufactured system, or its
 11 components, or any other material or information that the depart-
 12 ment considers relevant, or one or more of the premanufactured
 13 systems for testing and evaluation. The procedure shall require
 14 that premanufactured systems be ***[periodically]*** inspected by
 15 the department or a qualified person selected by it, to determine
 16 that the premanufactured systems have been manufactured in
 17 accordance with the code and with the plans and specifications
 18 submitted to the department. Alternatively, the commissioner*,
 19 *after consultation with the code advisory board,** may require
 19A that each premanufactured system bear the approved label of
 20 a qualified body selected by the commissioner. Said body shall
 21 have such follow-up inspection services as are satisfactory to the
 22 commissioner and shall certify that the premanufactured system
 23 complies with the code and with the plans and specifications sub-
 24 mitted to the department. If an application for a ***[building]***
 25 *construction* permit specifying the use of a premanufactured
 26 system with a certificate of acceptability is submitted to an enforc-
 27 ing agency, and if the application complies in all respects with
 28 this act, the code and other applicable laws and ordinances, then
 29 the enforcing agency shall issue the ***[building]*** *construction*
 30 permit within the time specified in section ***[12]*** *13* hereof.
 30A At the time of installation, a premanufactured system with a
 31 certificate of acceptability shall be subject only to such non-
 32 destructive tests approved by the department as may be necessary
 33 to determine that it has not been damaged in transit or installation,

34 and that it has been installed in accordance with the applicable
 35 ***[building]*** *construction* permit and the code. The fees
 36 established and charged by an enforcing agency in connection with
 37 the granting of a ***[building]*** *construction* permit on the basis
 38 of an application therefor specifying the use of a premanufactured
 39 system with a certificate of acceptability, or in connection with the
 40 inspection of the installation of such systems, shall bear a reason-
 41 able relationship to the costs incurred by the enforcing agency in
 42 performing such acts.

1 ***[17.]*** *18.* Extension of reciprocity.

2 a. The commissioner*, *after consultation with the code advisory*
 3 *board**, is empowered to extend to and accept from any state, group
 4 of states, *or* the United States of America, ***[the Building**
 5 **Officials and Code Administrators International, Inc. or other**
 5A **such nationally recognized organization,]*** reciprocal recognition,
 6 certification or approval as enumerated in subsection b. of this
 7 section, provided such action is otherwise consistent with the basic
 8 purposes of this act and the code.

9 b. The commissioner*, *after consultation with the code advisory*
 10 *board**, is authorized to accept the findings of any other state,
 11 the Federal Government, ****[the Building Officials and Code**
 12 **Administrators International, Inc., American National Standards**
 13 **Institute, or other such]**** *or* nationally recognized ****[orga-**
 14 **nization]**** *organizations***, in matters involving or related to
 15 the certification of premanufactured systems, assemblies, sub-
 16 systems, subassemblies and related materials; and the findings
 17 of any state or states, the United States, ****[the Building Officials**
 18 **and Code Administrators International, Inc.]**** *or* ****[other**
 19 **such]**** nationally recognized ****[organization]**** *organiza-*
 20 *tions*** in the matters of the approval of products, plans, modes
 21 and techniques of construction and testing. The commissioner shall
 22 certify that such findings are in compliance with the code and
 23 this act.

1 ***[18.]*** *19.* ****[Inspection]**** *Review* of plans and speci-
 2 fications *and inspection of construction* by the department.
 3 At the request of an enforcing agency, the department *or an*
 4 *agency approved by the commissioner* may ****[agree to]**** assist
 5 an enforcing agency in the inspection of any construction of
 6 buildings or structures, provided that the enforcing agency has
 7 submitted the plans and specifications for such construction to the
 8 department *or such agency, as the case may be,* for review as
 9 to compliance with the code and this act. In such cases the com-

missioner shall provide by regulation for fees to the department to cover the cost of providing such services, to be borne ultimately by applicants for ***[building]*** **construction** permits. The commissioner shall also provide for the readjustment of municipal fees in accordance with the cost of services performed.

[19.] **20.** Penalties.

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

(1) ***[Knowingly violates]*** **Violates** any of the provisions of this act or rules promulgated hereunder;

(2) ***[Knowingly constructs]*** **Constructs** a structure or building in violation of a condition of a building permit;

(3) ***[Knowingly fails]*** **Fails** to comply with any order issued by an enforcing agency or the department;

(4) ***[Knowingly makes]*** **Makes** a false or misleading written statement, or ****[knowingly]**** omits any required information or statement in any application or request for approval to an enforcing agency or the department.

Shall be subject to a penalty of not more than \$500.00.

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

c. With respect to subsection a. (3) of this section, a person shall be guilty of a separate offense for each day that he fails to comply with a stop construction order validly issued by an enforcing agency or the department and for each week that he fails to comply with any other order validly issued by an enforcing agency or the department. With respect to subsections a. (1) and a. (4) of this section, a person shall be guilty of a separate offense for each ***[knowing]*** violation of any provision of this act or rules promulgated hereunder and for each false or misleading written statement or omission of required information or statement ***[knowingly]*** made in any application or request for approval to an enforcing agency or the department. With respect to subsection a. (2) of the section, a person shall be guilty of a separate offense for each ***[knowing]*** violation of the conditions of a ***[building]*** **construction** permit.

d. The penalties pursuant to this section may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.). Jurisdiction to enforce such penalties is hereby conferred upon judges of the municipal court in addition

37 to the courts specified by N. J. S. 2A :58-2. Suit may be brought by
 38 a municipality or the State of New Jersey. Payment of a money
 39 judgment pursuant hereto shall be remitted in the case of a suit
 40 brought by a municipality to the municipal treasurer and in the
 41 case of a suit brought by the State of New Jersey to the State
 42 Treasurer.

1 ***[20.]*** *21.* Effect of the promulgation of the code. All construc-
 2 tion regulations incorporated in any act of the State of New Jersey,
 3 or of any municipality presently in effect, or validly promulgated or
 4 enacted by any board, department, commission or agency thereof
 5 shall continue in effect until such time as any such regulation is
 6 superseded by appropriate regulations promulgated pursuant to
 7 this act, at which time they shall be deemed repealed and super-
 8 seded, and of no further force and effect. A ***[building]*** **construc-*
 9 *tion** permit issued under valid construction regulations prior to the
 10 promulgation of the code shall remain valid, and the construction
 11 of any building or structure may be completed pursuant to and in
 12 accordance with said permit. The construction of any building or
 13 structure started before the promulgation of the code that did not
 14 as of the date of the beginning of the construction require a ***[build-**
 15 **ing]*** **construction** permit may be completed without a ***[build-**
 16 **ing]*** **construction** permit. Nothing contained in this act or the
 17 code shall be deemed to affect, repeal or invalidate local zoning
 18 ordinances **or the regulation or licensing of any trade or profession*
 19 *engaged in construction work**.

1 ***[21.]*** *22.* Partial invalidity; severability. If any clause,
 2 sentence, subdivision, paragraph, subsection or section of this act
 3 be adjudged unconstitutional or invalid, such judgment shall not
 4 affect, impair or invalidate the remainder thereof, but shall be
 5 confined in its operation to the clause, sentence, paragraph, sub-
 6 division, subsection or section thereof directly involved in the
 7 controversy in which said judgment shall have been rendered.

1 ***[22.]*** *23.* Interpretation of powers. The powers enumerated
 2 in this act shall be interpreted broadly to effectuate the purposes
 3 thereof.

1 ***[23.]*** *24.* Effective date. This act shall take effect 120 days
 2 from the date of approval thereof.

STATEMENT

The "State Uniform Construction Code Act" provides for the adoption and continuous updating of a nationally recognized model construction code as well as other codes relating to construction; makes the codes mandatory for all municipalities in the State in order to insure uniform, modern construction regulations throughout New Jersey; provides for the coordination of different levels of construction regulations; permits municipal enforcement of the codes while ensuring State enforcement in the event of municipal default; makes enforcement of the codes the responsibility of the local appointed building official; provides for technical assistance from the State upon request from the municipality; strengthens the professionalism of building officials; and encourages new building techniques and results in the lowering of the costs of housing and other structures.

FISCAL NOTE TO
ASSEMBLY, No. 1299

STATE OF NEW JERSEY

DATED: APRIL 16, 1974

Assembly Bill No. 1299, designated the "State Uniform Construction Code Act", provides for the adoption and continuous updating of a model construction code. It makes the codes mandatory for all municipalities in the State.

The Department of Community Affairs estimates that enactment of this legislation will not affect the finances of either the State or local governments. This estimate is based on the judgment that enforcement of a uniform code will certainly cost no more than the enforcement of the multiplicity of codes now in effect. It is thought that new State administrative costs will not exceed those of existing programs that are to be discontinued as a result of enactment of this legislation.

The department further states that although the fiscal effect of this legislation is difficult to estimate, it should be pointed out that the impact on State and local revenues and expenditures should be nil in any event since the legislation provides for fees in proportion to expenses.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

ASSEMBLY COMMERCE, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1299

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1975

This bill, entitled the "State Uniform Construction Code Act," attempts to insure uniform, modern construction standards and regulations throughout the State; authorizes the Commissioner of Community Affairs to adopt rules relating to the construction, alteration, and maintenance of buildings and structures; states that the model codes of the Building Officials and Code Administrators International, Inc., the National Electrical Code, and the National Standard Plumbing Code, are codes that will insure that the State has a uniform construction code; establishes code and subcode advisory boards; and provides for the establishment of county or municipal construction boards of appeal; provides for, but shall not be limited to, a building code, a plumbing code, an electrical code, a fire safety code, a mobile home code, a mechanical code, and an energy code; and provides for a public hearing prior to approval of plans and specifications for the construction of State buildings and structures, in excess of \$50,000.00, in the county in which the building is to be located.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1299

STATE OF NEW JERSEY

ADOPTED FEBRUARY 10, 1975

Amend page 2, section 3, line 11, omit "11", insert "15".

Amend page 2, section 3, line 12, omit "building", insert "construction".

Amend page 2, section 3, line 13, omit "building", insert "construction".

Amend page 2, section 3, line 22, omit "8", insert "9".

Amend page 2, section 3, lines 24-26, after "municipal", omit "building official provided for in section 7 and assistants and inspectors subordinate to him." insert "construction official and subcode officials provided for in section 8 of this act and assistants thereto."

Amend page 3, section 3, line 61, omit "13", insert "14".

Amend pages 3 and 4, section 4, lines 1-16, omit section 4 in its entirety and substitute a new section 4 as follows:

"4. Legislative findings. It is hereby found and declared:

a. That a multiplicity of construction codes currently exists in this State and some of these codes contain needless restrictions which limit the use of certain materials, techniques or products without any benefits to the public. Moreover, the variation of construction standards caused by the multiplicity of codes slows the process of construction and increases the costs of construction.

b. That the way to insure uniform, modern construction standards and regulations throughout the State of New Jersey which will lower the cost of housing and other construction without any detriment to the public health, safety and welfare is to adopt a uniform State construction code.

c. That the need of new construction in the State can be met in part by the use of premanufactured systems which are fabricated in the geographical region of the United States of which New Jersey is a part and that a uniform construction code should include standards to permit the use of such systems.

d. That the model codes of the Building Officials and Code Administrators International, Inc., the National Electrical Code and the National Standard Plumbing Code, or modification thereof, are construction codes which have been widely adopted in this State and in the geographical region of the United States of which New Jersey is a part and adoption of these nationally recognized codes pursuant to this act will insure that the State has a uniform, modern construction code which will insure health, safe, and sanitary construction but also less expensive construction for the citizens of this State."

Amend page 4, section 5, line 9, after "with", insert "the code advisory board and".

Amend page 4, section 5, line 12, after "regulations.", insert "Such prior consultations with departments, divisions, bureaus, boards, councils, or other agencies of State Government shall include but not be limited to consultation with the Commissioner of Health and the Public Health Council prior to adoption of a plumbing subcode pursuant to paragraph b. of this section."

Amend page 4, section 5, line 17, after "electrical code,", insert "an energy code,".

Amend page 4, section 5, line 20, after "Inc.," insert "the National Electrical Code, and the National Standard Plumbing Code,".

Amend page 4, section 5, lines 21-22, omit "in the absence of a particular model code of the Building Officials and Code Administrators International, Inc. or".

Amend page 4, section 5, line 23, omit "other".

Amend page 5, section 6, line 5, after "repeal", insert ", after consultation with the code advisory board,"; after "rules", insert ": (1)".

Amend page 5, section 6, line 6, after "code and", insert "(2)".

Amend page 5, section 6, line 10, after "agencies", insert ", after consultation with the code advisory board,".

Amend page 5, section 6, line 22, after "act", insert ", including but not limited to prospective interpretation of the code,".

Amend page 5, section 6, line 26, after "conduct", insert ", after consultation with the code advisory board,".

Amend page 5, section 6, lines 30-31, after "of", omit "building", insert "construction".

Amend page 5, section 6, line 36, after "amend", insert ", after consultation with the code advisory board,".

Amend page 5, after line 38, insert a new section 7:

"7. Code advisory board.

a. To assist and advise the commissioner in the administration of

this act there is hereby created in the Department of Community Affairs a code advisory board to consist of 11 citizens to be appointed by the commissioner for a term of 4 years. The board shall consist of: one architect registered in the State of New Jersey; two professional engineers licensed by the State of New Jersey, one of whom shall be a mechanical engineer and one of whom shall be a structural engineer; one municipal building official; one member of the building industry in the State of New Jersey; one public health official in the State of New Jersey; one licensed plumbing inspector in the State of New Jersey; and four members of the public, two of whom shall be experienced in representing consumers. Of the members first appointed the commissioner shall designate the appointees' terms so that three shall be appointed for terms of 1 year, three for terms of 2 years, three for terms of 3 years and two for terms of 4 years. Their successors shall be appointed for terms of 4 years.

b. Code advisory board members shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties. Vacancies on the advisory board shall be filled for the unexpired term. Members may be removed by the commissioner for cause.

c. The code advisory board shall appoint a committee for each subcode adopted pursuant to section 5 of this act. Each such committee shall consist of one member of the code advisory board, who shall be chairman, and four citizens who are experienced and knowledgeable in matters related to the particular subcode. Each committee shall advise and assist the code advisory board in the performance of its responsibilities under this act for the subcode in question. Committee members shall serve without compensation and at the pleasure of the code advisory board."

Amend page 5, section 7, line 3, omit "building", insert "construction"; after "official", insert "and subcode officials".

Amend page 6, section 7, line 5, omit "building", insert "construction"; after "official", insert "and subcode officials,".

Amend page 6, section 7, line 6, after "code.", insert "Nothing herein, however, shall prevent a municipality from accepting inspections as to compliance with the code or any subcode thereof made by an inspection authority approved by the State of New Jersey pursuant to law.".

Amend page 6, section 7, line 7, omit "building", insert "construction"; after "official", insert "and any subcode official".

Amend page 6, section 7, line 9, omit "building", insert "construction"; after "official", insert "or subcode official".

Amend page 6, section 7, line 11, omit "and (2) any building official", insert "or (2) any person".

Amend page 6, section 7, line 12, omit "who", insert "and".

Amend page 6, section 7, line 13, omit "building", insert "construction or subcode".

Amend page 6, section 7, lines 16-22, omit in their entirety.

Amend page 6, section 7, line 23, omit "building", and insert "construction or subcode".

Amend page 6, section 7, line 26, after "supervision", insert "as a licensed engineer or registered architect; or 5 years experience in construction design, or supervision as an architect or engineer with a bachelor's degree from an accredited institution of higher education; or 10 years experience in construction, design or supervision as a journeyman in a trade or as a contractor".

Amend page 6, section 7, line 26, omit "The building", insert "A subcode"; after "shall", insert ", pursuant to any subcode which he administers,"; after "upon", insert ": (1)".

Amend page 6, section 7, line 30, after "act", omit ". The building official shall pass on the", insert ", and (2)".

Amend page 6, section 7, line 32, after "State.", insert "The construction official in each municipality shall be the chief administrator of the 'enforcing agency.' He shall have the power to overrule a determination of a subcode official based on an interpretation of a substantive provision of the subcode which such subcode official administers only if the construction official is qualified to act pursuant to this act as a subcode official for such subcode. He may serve as subcode official for any subcode which he is qualified under this act to administer. A subcode official or municipal engineer may serve as a construction official if otherwise qualified under the provisions of this act."

Amend page 6, section 7, line 32, omit "He", insert "The municipal enforcing agency".

Amend page 6, section 7, line 40, omit "building", insert "construction"; after "official", insert "and subcode official".

Amend page 6, section 7, line 42, omit "building", insert "construction"; after "official", insert "or subcode official".

Amend page 6, section 7, line 44, omit "building", insert "construction"; after "official", insert "or subcode official".

Amend page 6, section 7, line 45, after "tenure", insert ", permanent civil service status, or".

Amend page 7, section 7, line 47, omit "building", insert "construction"; after "official", insert "or subcode official".

Amend page 7, section 7, line 48, omit "building", insert "construction".

Amend page 7, section 7, line 49, after "official", insert "or subcode official"; after "tenure", insert ", except a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health pursuant to Title 26 of the Revised Statutes or holding a valid electrical inspector's license from the Board of Public Utility Commissioners pursuant to Title 48 of the Revised Statutes.".

Amend page 7, section 7, line 50, after "commissioner", insert ", after consultation with the code advisory board,".

Amend page 7, section 7, line 53, omit "building", insert "construction"; after "official", insert "or subcode official".

Amend page 7, section 7, line 57, omit "building", insert "construction"; after "official", insert "or subcode official".

Amend page 7, section 7, line 58, after "commissioner", insert ", after consultation with the code advisory board,".

Amend page 7, section 7, line 60, after "commissioner", omit "may", insert "shall, after consultation with the code advisory board,".

Amend page 7, section 7, line 62, omit "building", insert "construction"; after "official", insert "and subcode officials".

Amend page 7, section 7, after line 62, insert:

"Whenever the commissioner is required by the terms of this subsection to consult with the code advisory board and the matter in question concerns plumbing subcode officials, the commissioner shall also consult with the Public Health Council and Commissioner of Health.

d. The commissioner, after consultation with the code advisory board, may periodically require that each construction official and subcode official demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code, and current standards of professional ethics and legal responsibility; or, in the alternative, the commissioner, after consultation with the code advisory board, may accept successful completion of appropriate programs of training as proof of such working knowledge."

Amend page 7, section 8, line 2, after "a.", omit "There shall be a construction board of appeals for each municipi-".

Amend page 7, section 8, lines 3-18, omit in its entirety.

Amend page 7, section 8, line 19, omit "municipality.", insert "There shall be a construction board of appeals for each county to hear appeals from decisions by the enforcing agency provided that any municipi-

pality may establish its own construction board of appeals to hear appeals from decisions by the enforcing agency and further provided that where two or more municipalities have combined to appoint a construction official and subcode officials such combined municipalities may establish a joint construction board of appeals. Any such municipal or joint board shall hear appeals from the decisions of the municipal or joint enforcing agency, as the case may be, instead of the county board.

Every construction board of appeals shall consist of five members. Each member of the board shall be qualified by experience or training to perform the duties of members of the construction board of appeals. Board members shall be appointed for a term of 4 years by the appointing authority of the county or municipality in question or, in the case of a joint municipal board, by means mutually determined by the governing bodies of such municipalities. For the members first appointed, the appointing authority shall designate the appointees' terms so that one shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, and two for a term of 4 years. Vacancies on the board shall be filled for the unexpired term. Members may be removed by the authority appointing them for cause. A person may serve on more than one construction board of appeals."

Amend page 7, section 8, line 20, after "application", insert "or refuses to act upon application".

Amend page 7, section 8, line 21, omit "building", insert "construction".

Amend page 7, section 8, line 23, after "to the", omit "board", insert "county or municipal board, whichever is appropriate".

Amend page 8, section 8, line 36, after "jurisdiction", insert "; provided that such failure by the board shall be deemed an approval of the appeal to it in the case of an appeal for failure of the enforcing agency to approve, in whole or in part, or deny an application for a construction permit."

Amend page 8, section 9, line 9, omit "building official".

Amend page 8, section 10, line 5, after "State", omit "of New Jersey.", insert ", and any of its departments, divisions, bureaus, boards, councils, authorities or other agencies provided that the division shall enforce the code with persons certified by the commissioner pursuant to this act. Prior to approval of plans and specifications for a structure or building costing in excess of \$50,000.00, the Division of Buildings and Construction in the Department of the Treasury shall hold a public hearing in the county in which the building is to be located."

Amend page 8, section 11, line 8, omit "building official", insert "enforcing agency".

Amend page 9, section 11, line 14, omit "building", insert "construction".

Amend page 9, section 11, line 15, omit "building", insert "construction".

Amend page 9, section 11, lines 16-17, omit "building", insert "construction".

Amend page 9, section 11, line 22, omit "Prior to", insert "When final plans for"; after "school", insert "facility".

Amend page 9, section 11, lines 22-23, omit "approved by", insert "are submitted to".

Amend page 9, section 11, line 23, after "Education", insert "for approval,"; after "Education", omit "the", insert "such".

Amend page 9, section 11, lines 23-24, omit "for such construction or alteration".

Amend page 9, section 11, line 24, after "shall", insert "also"; omit "building official", insert "enforcing agency".

Amend page 9, section 11, line 25, after "school", insert "facility"; after "The", omit "building".

Amend page 9, section 11, line 26, omit "official", insert "enforcing agency".

Amend page 9, section 11, line 27, omit "building", insert "facility".

Amend page 9, section 11, line 28, after "which the", insert "public".

Amend page 9, section 11, line 29, omit "building", insert "facility".

Amend page 9, section 11, line 31, omit "If any", insert "When".

Amend page 9, section 11, line 32, omit "building" insert "facility".

Amend page 9, section 11, lines 32-33, omit "made and approved by", insert "are submitted to".

Amend page 9, section 11, line 33, after "Education", insert "for approval,"; after "shall", insert "also".

Amend page 9, section 11, line 34, after "submitted", omit "as soon as possible"; omit "building official", insert "enforcing agency".

Amend page 9, section 11, line 35, after "the", insert "public"; omit "building", insert "facility".

Amend page 9, section 12, line 4, omit "building", insert "construction".

Amend page 9, section 12, line 7, omit "building", insert "construction"; after "for a", omit "building", insert "construction".

Amend page 9, section 12, line 9, after "||days.", insert "If application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing.".

Amend page 9, section 12, line 9, omit "Failure by", insert "If"; after "agency", insert "fails".

Amend page 9, section 12, line 10, omit "building", insert "construction".

Amend page 10, section 12, line 19, after "until a", omit "building", insert "construction".

Amend page 10, section 12, line 21, omit "building", insert "construction".

Amend page 10, section 12, line 22, omit "13", insert "14".

Amend page 10, section 12, line 23, after "commissioner", insert ", after consultation with the code advisory board,".

Amend page 10, section 12, lines 23-24, omit "employment", insert "construction posing special or unusual hazards to public safety,".

Amend page 10, section 12, line 26, omit "building", insert "construction".

Amend page 10, section 12, line 32, omit "building", insert "construction".

Amend page 10, section 12, line 33, omit "building", insert "construction".

Amend page 10, section 12, line 37, omit "building", insert "construction".

Amend page 10, section 12, line 40, omit "building", insert "construction".

Amend page 10, section 13, line 4, omit "building", insert "construction".

Amend page 10, section 13, line 6, omit "building", insert "construction".

Amend page 10, section 13, line 16, omit "building", insert "construction".

Amend page 11, section 13, line 29, omit "building", insert "construction".

Amend page 11, section 13, line 31, omit "shall", insert "may".

Amend page 11, section 13, line 33, omit "building", insert "construction".

Amend page 11, section 14, line 11, omit "building", insert "construction".

Amend page 12, section 14, line 14, omit "building", insert "construction".

Amend page 12, section 14, line 16, omit "building", insert "construction".

Amend page 12, section 14, line 30, omit "building", insert "construction".

Amend page 12, section 16, line 14, after "systems be", omit "periodically".

Amend page 13, section 16, line 18, after "commissioner", insert "after consultation with the code advisory board,".

Amend page 13, section 16, line 24, omit "building", insert "construction".

Amend page 13, section 16, line 29, omit "building", insert "construction"; omit "12", insert "13".

Amend page 13, section 16, line 35, omit "building", insert "construction".

Amend page 13, section 16, lines 36-37, omit "building", insert "construction".

Amend page 13, section 17, line 2, after "commissioner", insert "after consultation with the code advisory board,".

Amend page 13, section 17, line 3, after "group of states," insert "or".

Amend page 13, section 17, lines 3-5, after "America," omit "the Building Officials and Code Administrators International, Inc. or other such nationally recognized organization,".

Amend page 13, section 17, line 9, after "commissioner", insert "after consultation with the code advisory board,".

Amend page 13, section 17, line 11, after "Inc.", insert "American National Standards Institute,".

Amend page 14, section 18, line 9, omit "building", insert "construction".

Amend page 14, section 19, line 4, omit "Knowingly violates", insert "Violates".

Amend page 14, section 19, line 6, omit "Knowingly constructs", insert "Constructs".

Amend page 14, section 19, line 8, omit "Knowingly fails", insert "Fails".

Amend page 14, section 19, line 10, omit "Knowingly makes", insert "Makes".

Amend page 14, section 19, line 26, omit "knowing".

Amend page 14, section 19, line 28, omit "knowingly".

Amend page 15, section 19, line 31, omit "knowing".

Amend page 15, section 19, line 32, omit "building", insert "construction".

Amend page 15, section 20, line 8, omit "building", insert "construction".

Amend page 15, section 20, line 14, omit "building", insert "construction".

Amend page 15, section 20, line 15, omit "building", insert "construction".

Amend page 15, section 20, line 17, after "ordinances", insert "or the regulation or licensing of any trade or profession engaged in construction work".

Amend pages 5-15, renumber existing sections 7 through 23, respectively, to read sections 8 through 24, respectively.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1299

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen PELLECCCHIA, BURSTEIN, ESPOSITO, KLEIN,
LEFANTE, HICKS, HAWKINS, SINSIMER, CALI, BROWN,
NERI, KEEGAN, GALLO, PERKINS, SHELTON, MCCARTHY,
JACKMAN, Assemblywoman TOTARO, Assemblymen GLAD-
STONE, OWENS and MACINNES

Referred to Committee on Commerce, Industry and Professions

AN ACT to authorize the Commissioner of Community Affairs to
adopt rules relating to the construction, alteration, renovation,
rehabilitation, maintenance, occupancy and use of buildings and
structures; to provide for Statewide approval of premanufac-
tured systems; to provide for the administration and enforcement
of the act; and to establish remedies and fix penalties for
violation of the act.

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

1 1. Short title. This act shall be known, and may be cited and
2 referred to, as the "State Uniform Construction Code Act."

1 2. Purpose. It is the intent and purpose of this act:

2 a. To encourage innovation and economy in construction and to
3 provide requirements for construction and construction materials
4 consistent with nationally recognized standards.

5 b. To formulate such requirements, to the extent practicable, in
6 terms of performance objectives, so as to make adequate perform-
7 ance for the use intended as the test of acceptability.

8 c. To permit to the fullest extent feasible the use of modern
9 technical methods, devices and improvements, including premanu-
10 factured systems, consistent with reasonable requirements for the
11 health, safety, and welfare of occupants or users of buildings and
12 structures.

13 d. To eliminate restrictive, obsolete, conflicting and unnecessary
14 construction regulations that tend to unnecessarily increase con-
15 struction costs or retard the use of new materials, products or

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

16 methods of construction, or provide preferential treatment to types
17 or classes of materials or products or methods of construction.

18 e. To insure adequate maintenance of buildings and structures
19 throughout the State and to adequately protect the health, safety
20 ~~and~~ welfare of the people.

21 f. To eliminate unnecessary duplication of effort and fees in the
22 review of construction plans and the inspection of construction.

1 3. Definitions. As used in this act unless the context clearly
2 indicates otherwise:

3 "Building" means, exclusive of a public school facility, a struc-
4 ture enclosed with exterior walls or fire walls, built, erected and
5 framed of component structural parts, designed for the housing,
6 shelter, enclosure and support of individuals, animals or property
7 of any kind.

8 "Business day" means any day of the year, exclusive of Satur-
9 days, Sundays, and legal holidays.

10 "Certificate of occupancy" means the certificate provided for in
11 section ***[11]*** *15* of this act indicating that the construction
12 authorized by the ***[building]*** *construction* permit has been
13 completed in accordance with the ***[building]*** *construction*
14 permit, the State Uniform Construction Code and any ordinance
14A implementing said code.

15 "Commissioner" means the Commissioner of Community
16 Affairs.

17 "Code" means the State Uniform Construction Code.

18 "Construction" means the construction, erection, reconstruction,
19 alteration, conversion, demolition, removal, repair or equipping of
20 buildings or structures.

21 "Construction board of appeals" means the board provided for
22 in section ***[8]*** *9* of this act.

23 "Department" means the Department of Community Affairs.

24 "Enforcing agency" means the municipal ***[building official**
25 provided for in section 7 and assistants and inspectors subordinate
26 to him]* *construction official and subcode officials provided for in
26A section 8 of this act and assistants thereto*.

27 "Equipment" means plumbing, heating, electrical, ventilating,
28 air conditioning and refrigerating equipment, and elevators, dumb
29 waiters, escalators, boilers, pressure vessels and other mechanical
30 facilities or installations.

31 "Hearing examiner" means a person appointed by the commis-
32 sioner to conduct hearings, summarize evidence, and make findings
33 of fact.

34 "Maintenance" means the replacement or mending of existing
 35 work with equivalent materials or the provision of additional work
 36 or material for the purpose of the safety, healthfulness, and up-
 37 keep of the structure and the adherence to such other standards
 38 of upkeep as are required in the interest of public safety, health
 39 and welfare.

40 "Mobile home" means a vehicular, portable structure which is
 41 built on a chassis and designed to be used without a permanent
 42 foundation as a dwelling for year round rather than temporary
 43 occupancy when connected to required utilities.

44 "Municipality" means any city, borough, town, township or
 45 village.

46 "Owner" means the owner or owners in fee of the property or
 47 a lesser estate therein, a mortgagee or vendee in possession, an
 48 assignee of rents, receiver, executor, trustee, lessee, or any other
 49 person, firm or corporation, directly or indirectly in control of a
 50 building, structure, or real property and shall include any sub-
 51 division thereof of the State.

52 "Premanufactured system" means an assembly of materials or
 53 products that is intended to comprise all or part of a building
 54 or structure, exclusive of a public school facility, and that is
 55 assembled offsite by a repetitive process under circumstances
 56 intended to insure uniformity of quality and material content.

57 "Public school facility" means any building or any part thereof
 58 where the plans and specifications are submitted to, and approved
 59 by, the State Board of Education pursuant to N. J. S. 18A:18-2.

60 "Stop construction order" means the order provided for in sec-
 61 tion *[13]* *14* of this act.

62 "State Uniform Construction Code" means the code provided for
 63 in section 5 of this act, or any portion thereof, and any modification
 64 of or amendment thereto.

65 "Structure" means, exclusive of a public school facility, a com-
 66 bination of materials to form a construction for occupancy, use,
 67 or ornamentation whether installed on, above, or below the surface
 68 of a parcel of land; provided, the word "structure" shall be
 69 construed when used herein as though followed by the words "or
 70 part or parts thereof and all equipment therein" unless the context
 71 clearly requires a different meaning.

1 *[4]. Legislative findings. It is hereby found and declared:

2 a. That the model codes of the Building Officials and Code Ad-
 3 ministrators International, Inc., or modifications thereof, have been
 4 widely adopted in the State of New Jersey and in the geographical
 5 region of the United States of which New Jersey is a part;

6 b. That because of the wide adoption in this State of the model
7 codes of the Building Officials and Code Administrators Inter-
8 national, Inc., or modification thereof, the adoption of such codes
9 pursuant to this act will cause less confusion in enforcement than
10 the adoption of any other codes or codes of similar nature;

11 c. That the need for new construction in the State of New Jersey
12 can be met in part by the use of premanufactured systems fabricated
13 in the geographical region of the United States of which New Jersey
14 is a part and that these systems are largely designed in accordance
15 with the standards of the model codes of the Building Officials and
16 Code Administrators International, Inc.]*

17 *4. *Legislative findings. It is hereby found and declared:*

18 a. *That a multiplicity of construction codes currently exists in*
19 *this State and some of these codes contain needless restrictions*
20 *which limit the use of certain materials, techniques or products*
21 *without any benefits to the public. Moreover, the variation of con-*
22 *struction standards caused by the multiplicity of codes slows the*
23 *process of construction and increases the costs of construction.*

24 b. *That the way to insure uniform, modern construction stan-*
25 *dards and regulations throughout the State of New Jersey which*
26 *will lower the cost of housing and other construction without any*
27 *detriment to the public health, safety and welfare is to adopt a*
28 *uniform State construction code.*

29 c. *That the need of new construction in the State can be met in*
30 *part by the use of premanufactured systems which are fabricated*
31 *in the geographical region of the United States of which New Jersey*
32 *is a part and that a uniform construction code should include*
33 *standards to permit the use of such systems.*

34 d. *That the model codes of the Building Officials and Code*
35 *Administrators International, Inc., the National Electrical Code*
36 *and the National Standard Plumbing Code, or modification thereof,*
37 *are construction codes which have been widely adopted in this State*
38 *and in the geographical region of the United States of which New*
39 *Jersey is a part and adoption of these nationally recognized codes*
40 *pursuant to this act will insure that the State has a uniform, modern*
41 *construction code which will insure health, safe, and sanitary con-*
42 *struction but also less expensive construction for the citizens of this*
43 *State.**

1 5. Adoption of a State Uniform Construction Code.

2 a. The commissioner shall after public hearing pursuant to
3 section 4 of the "Administrative Procedure Act," P. L. 1968, c. 410
4 (C. 52:14B-4) adopt a State Uniform Construction Code for the

5 purpose of regulating the structural design, construction, main-
 6 tenance and use of buildings or structures to be erected and altera-
 7 tion, renovation, rehabilitation, repair, maintenance, removal or
 8 demolition of buildings or structures already erected. Prior to the
 9 adoption of said code, the commissioner shall consult with **the code*
 10 *advisory board and** other departments, divisions, bureaus, boards,
 11 councils, or other agencies of State Government heretofore
 12 authorized to establish or administer construction regulations.
 13 **Such prior consultations with departments, divisions, bureaus,*
 13A *boards, councils, or other agencies of State Government shall in-*
 13B *clude but not be limited to consultation with the Commissioner of*
 13C *Health and the Public Health Council prior to adoption of a plumb-*
 13D *ing subcode pursuant to paragraph b. of this section.** Said code
 13E shall include any code, rule or regulation incorporated therein by
 13F reference.

14 b. The code shall be divided into subcodes which may be adopted
 15 individually by the commissioner as he may from time to time
 16 consider appropriate. Said subcodes shall include but not be limited
 17 to a building code, a plumbing code, an electrical code, **an energy*
 18 *code,** a fire safety code, a mobile home code and mechanical code.

19 These subcodes shall be adoptions of the model codes of the
 20 Building Officials and Code Administrators International, Inc.,
 21 **the National Electrical Code, and the National Standard Plumb-*
 22 *ing Code,** provided that **[in the absence of a particular model*
 23 *code of the Building Officials and Code Administrators Interna-*
 24 *tional, Inc. or]** for **[other]** good reasons, the commissioner may
 25 adopt as a subcode a model code of some other nationally recognized
 26 organization upon a finding that such model code promotes the
 27 purposes of this act. The initial adoption of a model code as a sub-
 27A code shall constitute adoption of any subsequent revisions or
 27B amendments thereto.

28 c. The Department of Education shall annually update its rules
 29 and regulations concerning public school facilities for the purpose,
 30 where appropriate, of making them conform with the State Uniform
 31 Construction Code. Such updating shall be undertaken in consulta-
 32 tion with the commissioner.

1 6. Powers of the commissioner. The commissioner shall have
 2 all the powers necessary or convenient to effectuate the purposes
 3 of this act, including, but not limited to, the following powers in
 4 addition to all others granted by this act:

5 a. To adopt, amend and repeal*, *after consultation with the code*
 6 *advisory board,** rules*: (1)* relating to the administration and

6A. enforcement of the code and **(2)** the qualifications or licensing,
 7 or both, of all persons employed by enforcing agencies or the State
 8 to enforce this act or the code.

9 b. To enter into agreements with Federal and State of New Jer-
 10 sey agencies*, *after consultation with the code advisory board,** to
 11 provide insofar as practicable (1) single-agency review of construc-
 12 tion plans and inspection of construction and (2) intergovernmental
 13 acceptance of such review and inspection to avoid unnecessary
 14 duplication of effort and fees. The commissioner shall have the
 15 power to enter into such agreements although the Federal
 15A standards are not identical with State standards; provided
 16 that the same basic objectives are reasonably expected to be met.
 17 The commissioner shall have the power through such agreements
 18 to bind the State of New Jersey and all governmental entities
 19 deriving authority therefrom.

20 c. To take testimony and hold hearings relating to any aspect
 21 of or matter relating to the administration or enforcement of this
 22 act*, *including, but not limited to prospective interpretation of the*
 22A *code,** and, in connection therewith, issue subpoenas to compel the
 23 attendance of witnesses and the production of evidence. The com-
 24 missioner may designate one or more hearing examiners to hold
 25 public hearings and report on such hearings to the commissioner.

26 d. To encourage, support or conduct*, *after consultation with*
 27 *the code advisory board,** educational and training programs for
 28 employees, agents and inspectors of enforcing agencies, either
 29 through the Department of Community Affairs or in cooperation
 30 with other departments of State Government, enforcing agencies,
 31 educational institutions, or associations of **[building]* *construc-*
 31A *tion** code officials.

32 e. To study the effect of this act and the code to ascertain their
 33 effect upon the cost of building construction and maintenance, and
 34 the effectiveness of their provisions for insuring the health, safety,
 35 and welfare of the people of the State of New Jersey.

36 f. To make, establish and amend*, *after consultation with the*
 37 *code advisory board,** such rules as may be necessary, desirable or
 38 proper to carry out his powers and duties under this act.

1 **7. Code advisory board.*

2 a. *To assist and advise the commissioner in the administration*
 3 *of this act there is hereby created in the Department of Community*
 4 *Affairs a code advisory board to consist of 11 citizens to be*
 5 *appointed by the commissioner for a term of 4 years. The board*
 6 *shall consist of: one architect registered in the State of New Jersey;*

7 two professional engineers licensed by the State of New Jersey, one
 8 of whom shall be a mechanical engineer and one of whom shall be a
 9 structural engineer; one municipal building official; one member of
 10 the building industry in the State of New Jersey; one public health
 11 official in the State of New Jersey; one licensed plumbing inspector
 12 in the State of New Jersey; and four members of the public, two of
 13 whom shall be experienced in representing consumers. Of the
 14 members first appointed the commissioner shall designate the
 15 appointees' terms so that three shall be appointed for terms of 1
 16 year, three for terms of 2 years, three for terms of 3 years and two
 17 for terms of 4 years. Their successors shall be appointed for terms
 18 of 4 years.

19 b. Code advisory board members shall serve without compensa-
 20 tion but shall be entitled to reimbursement for expenses incurred
 21 in performance of their duties. Vacancies on the advisory board
 22 shall be filled for the unexpired term. Members may be removed by
 23 the commissioner for cause.

24 c. The code advisory board shall appoint a committee for each
 25 subcode adopted pursuant to section 5 of this act. Each such com-
 26 mittee shall consist of one member of the code advisory board, who
 27 shall be chairman, and four citizens who are experienced and
 28 knowledgeable in matters related to the particular subcode. Each
 29 committee shall advise and assist the code advisory board in the
 30 performance of its responsibilities under this act for the subcode in
 31 question. Committee members shall serve without compensation
 32 and at the pleasure of the code advisory board.*

1 ***[7.]*** *8.* Administration and enforcement.

2 a. The appointing authority of any municipality may appoint a
 3 ***[building]*** *construction* official *and subcode officials* to
 4 administer and enforce the code and a construction board of
 5 appeals to hear and decide appeals from decisions made by said
 6 ***[building]*** *construction* official *and subcode officials,* in the
 6A administration and enforcement of the code. *Nothing herein, how-
 6B ever, shall prevent a municipality from accepting inspections as to
 6C compliance with the code or any subcode thereof made by an inspec-
 6D tion authority approved by the State of New Jersey pursuant to
 6E law.*

7 b. A municipal ***[building]*** *construction* official *and any
 8 subcode official* shall be appointed for a term of 4 years, provided,
 9 however, that tenure shall continue for (1) any ***[building]*** *con-
 10 struction* official *or subcode official* who is serving under tenure
 11 as otherwise provided by law on the effective date of this act or

12 within 1 year thereafter, *~~and (2) any building official~~* *or (2)*
 13 *any person** certified pursuant to subsection c. of this section
 14 *~~who~~* *and** subsequently gains such tenure. Nothing in this
 15 section shall affect the civil service status of any *~~building~~*
 15A *construction or subcode** official who at the effective date of this
 15B act or subsequently comes under the provisions of Title 11 of the
 15C Revised Statutes.

16 *~~The building official in each municipality shall head the "en-~~
 17 ~~forcing agency."~~ The municipality shall provide for such inspectors
 18 and staff, consistent with regulations adopted by the commissioner
 19 as are necessary for proper administration and enforcement of the
 20 code. Such regulations shall, to the maximum extent feasible, take
 21 into account existing employees of the municipality and local board
 22 of health, and their tenure and civil service status.]*

23 A *~~building~~* *construction or subcode** official, to be eligible
 24 for appointment, shall be certified by the State of New Jersey in
 25 accordance with subsection c. of this section and shall have had at
 26 least 3 years experience in construction, design or supervision *as*
 27 *a licensed engineer or registered architect; or 5 years experience*
 28 *in construction design, or supervision as an architect or engineer*
 29 *with a bachelor's degree from an accredited institution of higher*
 30 *education; or 10 years experience in construction, design or super-*
 31 *vision as a journeyman in a trade or as a contractor**. *~~The build-~~
 32 ~~ing~~* *A subcode** official shall*, pursuant to any subcode which
 33 he administers,* pass upon*: (1)* pass upon matters relative to
 34 the mode, manner of construction or materials to be used in the
 35 erection or alteration of buildings or structures, except as to any
 36 such matter foreclosed by State approval pursuant to this act*~~.~~
 37 The building official shall pass on the]**, and (2)* actual execution
 38 of the approved plans and the installation of the materials
 39 approved by the State. *The construction official in each munici-*
 40 *pality shall be the chief administrator of the "enforcing agency."*
 41 *He shall have the power to overrule a determination of a subcode*
 42 *official based on an interpretation of a substantive provision of the*
 43 *subcode which such subcode official administers only if the con-*
 44 *struction official is qualified to act pursuant to this act as a subcode*
 45 *official for such subcode. He may serve as subcode official for any*
 46 *subcode which he is qualified under this act to administer. A sub-*
 47 *code official or municipal engineer may serve as a construction*
 48 *official if otherwise qualified under the provisions of this act.**
 49 *~~He~~* *The municipal enforcing agency** shall require compliance
 50 with the provisions of the code, of all rules lawfully adopted and

51 promulgated thereunder and of laws relating to the construction,
 52 alteration, repair, removal, demolition and integral equipment and
 53 location, occupancy and maintenance of buildings and structures,
 54 except as may be otherwise provided for.

55 Two or more municipalities may provide by ordinance, subject
 56 to regulations established by the commissioner, for the joint
 57 appointment of a ***[building]*** **construction** official **and subcode*
 58 *official** for the purpose of enforcing the provisions of the code in
 59 the same manner.

60 c. No person shall act as a ***[building]*** **construction** official
 61 **or subcode official** for any municipality unless the commissioner
 62 determines that said person is so qualified except for the following:
 63 (1) a municipal ***[building]*** **construction** official **or subcode*
 64 *official** holding office under tenure*, *permanent civil service status,*
 65 *or** as otherwise provided by law on the effective date of this act
 66 or within 1 year thereafter and (2) a municipal ***[building]*** **con-*
 67 *struction** official **or subcode official** holding office without tenure
 68 on the effective date of this act or within 1 year thereafter; pro-
 69 vided said ***[building]*** **construction** official **or subcode official**
 70 not having tenure*, *except a person holding on the effective date*
 71 *of this act a valid plumbing inspector's license from the Depart-*
 72 *ment of Health pursuant to Title 26 of the Revised Statutes or hold-*
 73 *ing a valid electrical inspector's license from the Board of Public*
 74 *Utility Commissioners pursuant to Title 48 of the Revised*
 75 *Statutes** shall be certified in accordance with this act within 4
 76 years of the effective date thereof. The commissioner*, *after con-*
 77 *sultation with the code advisory board,** may authorize the prepara-
 78 tion and conducting of oral, written and practical examinations to
 79 determine if a person is qualified by this act to be eligible to be a
 80 ***[building]*** **construction** official **or subcode official** or, in the
 81 alternative, may accept successful completion of programs of
 82 training as proof of qualification within the meaning of this act.
 83 Upon a determination of qualification the commissioner shall issue
 84 or cause to be issued a certificate to the ***[building]*** **construction**
 85 *official *or subcode official** or trainee stating that he is so certified.
 86 The commissioner*, *after consultation with the code advisory*
 87 *board,** may establish classes of certification that will recognize
 88 the varying complexities of code enforcement in the municipalities
 89 within the State. The commissioner ***[may]*** **shall after con-*
 90 *sultation with the code advisory board,** provide for educational
 91 programs designed to train and assist ***[building]*** **construction**
 92 *officials *and subcode officials** in carrying out their responsibilities.

93 **Whenever the commissioner is required by the terms of this sub-*
 94 *section to consult with the code advisory board and the matter in*
 95 *question concerns plumbing subcode officials, the commissioner shall*
 96 *also consult with the Public Health Council and Commissioner of*
 97 *Health.*

98 *d. The commissioner, after consultation with the code advisory*
 99 *board, may periodically require that each construction official and*
 100 *subcode official demonstrate a working knowledge of innovations in*
 101 *construction technology and materials, recent changes in and addi-*
 102 *tions to the relevant portions of the State Uniform Construction*
 103 *Code, and current standards of professional ethics and legal*
 104 *responsibility; or, in the alternative, the commissioner, after con-*
 105 *sultation with the code advisory board, may accept successful com-*
 106 *pletion of appropriate programs of training as proof of such work-*
 107 *ing knowledge.**

1 ***[8.]* *9.*** Construction board of appeals.

2 a. ***[**There shall be a construction board of appeals for each
 3 municipality to hear appeals from decisions by the enforcing agency
 4 except that where two or more municipalities have combined to
 5 appoint a building official, a single board shall be established for
 6 the combined municipalities. The construction boards of appeals
 7 shall consist of not less than three nor more than seven members,
 8 as determined by the governing body of each municipality or, in
 9 the case of combined municipalities, as mutually determined by
 10 the governing bodies of such municipalities. Unless otherwise pro-
 11 vided by ordinance, or mutual ordinances in the case of combined
 12 municipalities, board members shall be appointed for 2-year terms.
 13 Said appointments shall be made by the appointing authority of the
 14 municipality or, in the case of combined municipalities, by such
 15 means as the municipalities shall agree upon. Each member of the
 16 board shall be qualified by experience or training to perform the
 17 duties of members of the construction board of appeals. A person
 18 may serve on the construction board of appeals of more than one
 19 municipality.]* ***There shall be a construction board of appeals for**
 20 *each county to hear appeals from decisions by the enforcing agency*
 21 *provided that any municipality may establish its own construction*
 22 *board of appeals to hear appeals from decisions by the enforcing*
 23 *agency and further provided that where two or more municipalities*
 24 *have combined to appoint a construction official and subcode*
 25 *officials such combined municipalities may establish a joint con-*
 26 *struction board of appeals. Any such municipal or joint board*
 27 *shall hear appeals from the decisions of the municipal or joint*
 28 *enforcing agency, as the case may be, instead of the county board.*

1 ***[9.]*** *10.* Substitute administration and enforcement. When-
 2 ever a municipality or several municipalities decide not to admin-
 3 ister and enforce the code and request the commissioner to assume
 4 that task, the commissioner shall by regulation provide for the
 5 enforcement of the code and this act in said municipality or munici-
 6 palities and for payment to the State of fees necessary to defray
 7 the expenses in furtherance of that end and the commissioner shall
 8 have all the powers conferred by this act upon any municipal
 9 governing body, chief executive, ***[building official]*** or enforcing
 10 agency and all other powers necessary and convenient to that end,
 11 provided that the commissioner shall provide a departmental
 12 appeal in lieu of an appeal to a municipal or joint construction
 13 board of appeals.

14 The commissioner shall hold hearings pursuant to section 6 c. of
 15 this act in order to establish regulations defining the operation of
 16 this section.

1 ***[10.]*** *11.* State buildings. Notwithstanding any other provi-
 2 sion of this act, the Division of Buildings and Construction in the
 3 Department of the Treasury shall have exclusive authority to
 4 administer and enforce the code in regard to buildings and struc-
 5 tures owned by the State ***[of New Jersey]*** *, *and any of its*
 6 *departments, divisions, bureaus, boards, councils, authorities or*
 7 *other agencies provided that the division shall enforce the code*
 8 *with persons certified by the commissioner pursuant to this act.*
 9 *Prior to approval of plans and specifications for a structure or*
 10 *building costing in excess of \$50,000.00, the Division of Buildings*
 11 *and Construction in the Department of the Treasury shall hold*
 12 *a public hearing in the county in which the building is to be located*.*

1 ***[11.]*** *12.* Permit required for construction or alteration of
 2 buildings and structures; application therefor; required contents
 3 of application; issuance, effect and duration of permits; public
 4 school facilities. Except as otherwise provided by this act or in
 5 the code, before construction or alteration of any building or
 6 structure, the owner, or his agent, engineer or architect, shall submit
 7 an application in writing, including signed and sealed drawings
 8 and specifications, to the ***[building official]*** *enforcing agency*
 9 as defined in this act. The application shall be in accordance with
 10 regulations established by the commissioner and on a form pre-
 11 scribed by the commissioner and shall be accompanied by payment
 12 of the fee to be established by the municipal governing body by
 13 ordinance in accordance with standards established by the com-
 14 missioner. The application for a ***[building]*** *construction*
 15 permit shall be filed with the enforcing agency and shall be a

16 public record; and no application for a ***[building]*** **construction**
 17 permit shall be removed from the custody of the enforcing agency
 18 after a ***[building]*** **construction** permit has been issued.
 19 Nothing contained in this paragraph shall be interpreted as
 20 preventing the imposition of requirements in the code, for addi-
 21 tional permits for particular kinds of work, including but not
 22 limited to plumbing, electrical, elevator or boiler installation or
 23 repair work, or in other defined situations.

24 ***[Prior to]*** **When final plans for** the construction or altera-
 25 tion of a public school **facility** ***[approved by]*** **are submitted*
 26 *to** the Department of Education, ***[the]*** **for approval, such**
 27 plans ***[for such construction or alteration]*** shall **also** be filed
 28 with the ***[building official]*** **enforcing agency** of the municipality
 29 in which the public school **facility** is located. The ***[building**
 30 **official]*** **enforcing agency** shall have the right only to inspect
 31 any construction or alteration of a public school ***[building]***
 32 **facility** for the purpose of advising the board of education of
 33 the school district in which the **public** school ***[building]***
 34 **facility** is being constructed and the Commissioner of Education
 35 of any violations of the code or practices detrimental to the health
 36 and safety of the community. ***[If any]*** **When** changes in the
 37 plans for construction or alteration of a public school ***[building]***
 38 **facility** are ***[made and approved by]*** **are submitted to** the
 39 Department of Education, **for approval,** said plans shall **also**
 40 be submitted ***[as soon as possible]*** to the ***[building official]***
 41 **enforcing agency** of the municipality in which the **public** school
 42 ***[building]*** **facility** is or shall be located.

1 ***[12.]*** **13.** Examination and approval of applications for
 2 permits; expiration or cancellation of permits.

3 a. The enforcing agency shall examine each application for a
 4 ***[building]*** **construction** permit. If the application conforms
 5 with this act, the code, and the requirements of other applicable
 6 laws and ordinances, the enforcing agency shall approve the ap-
 7 plication and shall issue a ***[building]*** **construction** permit to
 8 the applicant. Every application for a ***[building]*** **construction**
 9 permit shall be granted, in whole or in part, or denied within 20
 10 business days. **If application is denied in whole or in part, the*
 11 *enforcing agency shall set forth the reasons therefor in writing.**
 12 ***[Failure by]*** **If** an enforcing agency **fails** to grant, in whole
 13 or in part, or deny an application for a ***[building]*** **construction**
 14 permit within the period of time prescribed herein shall be deemed
 15 a denial of the application for purposes of an appeal to the con-

struction board of appeals unless such period of time has been extended with the consent of the applicant. The enforcing agency may approve changes in plans and specifications previously approved by it, if the plans and specifications when so changed remain in conformity with law. Except as otherwise provided in this act or the code, the construction or alteration of a building or structure shall not be commenced until a ***[building]* *construction*** permit has been issued. The construction of a building or structure shall be in compliance with the approved application for a ***[building]* *construction*** permit; and the enforcing agency shall insure such compliance in the manner set forth in section ***[13]* *14*** of this act.

The commissioner*, *after consultation with the code advisory board**, may, for certain classes or types of ***[employment]* *construction posing special or unusual hazards to public safety***, establish regulations designating the department as the enforcing agency for purposes of approving plans and specifications. A municipal enforcing agency shall not grant a ***[building]* *construction*** permit for any such class or type of construction unless the applicant submits appropriate plans and specifications certified or approved by the department. Upon submission by an applicant of such certified approved plans and specifications, the enforcing agency shall recognize the approval when deciding whether to approve the application for a ***[building]* *construction*** permit.

b. A ***[building]* *construction*** permit, issued in accordance with the foregoing provisions, pursuant to which no construction has been undertaken above the foundation walls within 1 year from the time of issuance, shall expire. The enforcing agency may suspend, revoke or cancel a ***[building]* *construction*** permit in case of neglect or failure to comply with the provisions of this act or the code, or upon a finding by it that a false statement or representation has been made in the application for the ***[building]* *construction*** permit.

[13.]* *14. Inspection of construction by enforcing agency; right of entry; stop construction orders.

a. The enforcing agency shall periodically inspect all construction undertaken pursuant to a ***[building]* *construction*** permit issued by it to insure that the construction or alteration is performed in accordance with the conditions of the ***[building]* *construction*** permit and consistent with the requirements of the code and any ordinance implementing said code.

8 b. The owner of any premises upon which a building or structure
9 is being constructed shall be deemed to have consented to the in-
10 spection by the enforcing agency and the department, of the
11 entire premises and of any and all construction being performed
12 on it until a certificate of occupancy has been issued. An inspector,
13 or team of inspectors, on presentation of proper credentials, shall
14 have the right to enter and inspect such premises, and any and all
15 construction thereon, for purposes of ensuring compliance with the
16 provisions of the applicable ***[building]*** **construction** permit,
17 the code, and other applicable laws and regulations. All inspection
18 pursuant to this act shall be between the hours of 9 a.m. and 5 p.m.
19 on business days, or when construction is actually being undertaken,
20 provided, however, that inspections may be conducted at other times
21 if the enforcing agency has reasonable cause to believe that an im-
22 mediate danger to life, limb or property exists, or if permission
23 is given by an owner, or his agent, architect, engineer or builder.
24 No person shall accompany an inspector or team of inspectors on
25 any inspection pursuant to this act, unless his presence is necessary
26 for the enforcement of this act, or the code, or unless consent is
27 given by an owner or his agent, architect, engineer or builder.

28 c. If the construction of a structure or building is being under-
29 taken contrary to the provisions of a ***[building]*** **construction**
30 permit, this act, the code, or other applicable laws or ordinances,
31 the enforcing agency ***[shall]*** **may** issue a stop construction
32 order in writing which shall state the conditions upon which
33 construction may be resumed and which shall be given to the owner
34 or the holder of the ***[building]*** **construction** permit or to
34A the person performing the construction. If the person doing the
35 construction is not known, or cannot be located with reasonable
36 effort, the notice may be delivered to the person in charge of, or
37 apparently in charge of, the construction. No person shall continue,
38 or cause or allow to be continued, the construction of a building
39 or structure in violation of a stop construction order, except with
40 the permission of the enforcing agency to abate a dangerous con-
41 dition or remove a violation, or except by court order. If an order
42 to stop construction is not obeyed, the enforcing agency may apply
43 to the appropriate court as otherwise established by law for an
44 order enjoining the violation of the stop construction order. The
45 remedy for violation of such an order provided in this subsection
46 shall be in addition to, and not in limitation of, any other remedies
47 provided by law or ordinance.

1 ***[14.]*** *15.* Certificates of occupancy. No building or struc-
 2 ture hereafter constructed shall be used or occupied in whole or in
 3 part until a certificate of occupancy shall have been issued by the
 4 enforcing agency. No building or structure hereafter altered, in
 5 whole or in part, shall be used or occupied until such a certificate has
 6 been issued, except that any use or occupancy in an already existing
 7 building or structure that was not discontinued during its altera-
 8 tion may be continued in the preexisting structure for 30 days after
 9 the completion of the alteration without the issuance of a certificate
 10 of occupancy. A certificate of occupancy shall be issued by the
 11 enforcing agency when all of the work covered by a ***[building]***
 12 **construction** permit shall have been completed in accordance
 13 with the permit, the code, and other applicable laws and ordinances.
 14 On request of a holder of a ***[building]*** **construction** permit,
 15 the appropriate enforcing agency may issue a temporary certificate
 16 of occupancy for a building or structure, or part thereof,
 16A before the entire work covered by the ***[building]*** **construction**
 17 permit has been completed, if the part or parts of the building or
 18 structure to be covered by the certificate may be occupied prior
 19 to completion of all work in accordance with the permit, the code,
 20 and other applicable laws and ordinances, without endangering
 21 the health and safety of the occupants or users. When a building
 22 or structure is entitled thereto, the enforcing agency shall issue a
 23 certificate of occupancy within 10 business days after receipt of a
 24 written application therefor in accordance with regulations estab-
 25 lished by the commissioner on a form prescribed by the commis-
 26 sioner accompanied by payment of a fee to be established by the
 27 municipal governing body by ordinance in accordance with stan-
 28 dards established by the commissioner. The certificate of occupancy
 29 shall certify that the building or structure has been constructed in
 30 accordance with the provisions of the ***[building]*** **construction**
 31 permit, the code, and other applicable laws and ordinances.

1 ***[15.]*** *16.* Stay of proceedings. Neither an appeal to a
 2 municipal or joint construction board of appeals nor a depart-
 3 mental appeal nor an appeal to a court of competent jurisdiction
 4 shall automatically stay any order to stop construction issued
 5 pursuant to this act or prevent the seeking of an order in a court
 6 of competent jurisdiction to enjoin the violation of a stop con-
 7 struction order.

1 ***[16.]*** *17.* Premanufactured systems. The commissioner
 2 shall by rules promulgated hereunder establish a procedure
 3 whereby premanufactured systems intended for use in the State

4 may, if entitled thereto, be issued a certificate of acceptability by
5 the department at its place of manufacture. The procedure shall
6 include a requirement that the manufacturer submit to the depart-
7 ment detailed plans and specifications for the premanufactured
8 system for approval in compliance with the requirements of the
8A code.

9 It may also include a requirement that the manufacturer submit
10 to the department test results on the premanufactured system, or its
11 components, or any other material or information that the depart-
12 ment considers relevant, or one or more of the premanufactured
13 systems for testing and evaluation. The procedure shall require
14 that premanufactured systems be ***[periodically]*** inspected by
15 the department or a qualified person selected by it, to determine
16 that the premanufactured systems have been manufactured in
17 accordance with the code and with the plans and specifications
18 submitted to the department. Alternatively, the commissioner*,
19 *after consultation with the code advisory board**, may require
19A that each premanufactured system bear the approved label of
20 a qualified body selected by the commissioner. Said body shall
21 have such follow-up inspection services as are satisfactory to the
22 commissioner and shall certify that the premanufactured system
23 complies with the code and with the plans and specifications sub-
24 mitted to the department. If an application for a ***[building]***
25 **construction** permit specifying the use of a premanufactured
26 system with a certificate of acceptability is submitted to an enforce-
27 ing agency, and if the application complies in all respects with
28 this act, the code and other applicable laws and ordinances, then
29 the enforcing agency shall issue the ***[building]*** **construction**
30 permit within the time specified in section ***[12]*** **13** hereof.
30A At the time of installation, a premanufactured system with a
31 certificate of acceptability shall be subject only to such non-
32 destructive tests approved by the department as may be necessary
33 to determine that it has not been damaged in transit or installation,
34 and that it has been installed in accordance with the applicable
35 ***[building]*** **construction** permit and the code. The fees
36 established and charged by an enforcing agency in connection with
37 the granting of a ***[building]*** **construction** permit on the basis
38 of an application therefor specifying the use of a premanufactured
39 system with a certificate of acceptability, or in connection with the
40 inspection of the installation of such systems, shall bear a reason-
41 able relationship to the costs incurred by the enforcing agency in
42 performing such acts.

1 ***[17.]*** *18.* Extension of reciprocity.

2 a. The commissioner *, *after consultation with the code advisory*
3 *board**, is empowered to extend to and accept from any state, group
4 of states, *or* the United States of America, ***[the Building**
5 Officials and Code Administrators International, Inc. or other
5A such nationally recognized organization,]* reciprocal recognition,
6 certification or approval as enumerated in subsection b. of this
7 section, provided such action is otherwise consistent with the basic
8 purposes of this act and the code.

9 b. The commissioner*, *after consultation with the code advisory*
10 *board**, is authorized to accept the findings of any other state,
11 the Federal Government, the Building Officials and Code Adminis-
12 trators International, Inc.*, *American National Standards Insti-*
13 *tute**, or other such nationally recognized organization, in matters
14 involving or related to the certification of premanufactured
15 systems, assemblies, subsystems, subassemblies and related ma-
16 terials; and the findings of any state or states, the United States,
17 the Building Officials and Code Administrators International, Inc.
18 or other such nationally recognized organization in the matters
19 of the approval of products, plans, modes and techniques of con-
20 struction and testing. The commissioner shall certify that such
21 findings are in compliance with the code and this act.

1 ***[18.]*** *19.* Inspection of plans and specifications by the
2 department. At the request of an enforcing agency, the department
3 may agree to assist an enforcing agency in the inspection of any
4 construction of buildings or structures, provided that the enforcing
5 agency has submitted the plans and specifications for such con-
6 struction to the department for review as to compliance with the
7 code and this act. In such cases the commissioner shall provide
8 by regulation for fees to the department to cover the cost of
9 providing such services, to be borne ultimately by applicants
10 for ***[building]*** *construction* permits. The commissioner shall
11 also provide for the readjustment of municipal fees in accordance
12 with the cost of services performed.

1 ***[19.]*** *20.* Penalties.

2 a. Any person or corporation, including an officer, director or
3 employee of a corporation, who:

4 (1) ***[Knowingly violates]*** *Violates* any of the provisions of
5 this act or rules promulgated hereunder;

6 (2) ***[Knowingly constructs]*** *Constructs* a structure or
7 building in violation of a condition of a building permit;

8 (3) ***[Knowingly fails]*** *Fails* to comply with any order issued

9 by an enforcing agency or the department;

10 (4) ***[Knowingly makes]*** *Makes* a false or misleading written
11 statement, or knowingly omits any required information or state-
12 ment in any application or request for approval to an enforcing
13 agency or the department.

14 Shall be subject to a penalty of not more than \$500.00.

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

19 c. With respect to subsection a. (3) of this section, a person shall
20 be guilty of a separate offense for each day that he fails to comply
21 with a stop construction order validly issued by an enforcing agency
22 or the department and for each week that he fails to comply with
23 any other order validly issued by an enforcing agency or the de-
24 partment. With respect to subsections a. (1) and a. (4) of this
25 section, a person shall be guilty of a separate offense for each
26 ***[knowing]*** violation of any provision of this act or rules promul-
27 gated hereunder and for each false or misleading written statement
28 or omission of required information or statement ***[knowingly]***
29 made in any application or request for approval to an enforcing
30 agency or the department. With respect to subsection a. (2) of the
31 section, a person shall be guilty of a separate offense for each
32 ***[knowing]*** violation of the conditions of a ***[building]*** *con-*
32A *struction** permit.

33 d. The penalties pursuant to this section may be collected in a
34 summary proceeding pursuant to the "Penalty Enforcement Law"
35 (N. J. S. 2A :58-1 et seq.). Jurisdiction to enforce such penalties is
36 hereby conferred upon judges of the municipal court in addition
37 to the courts specified by N. J. S. 2A :58-2. Suit may be brought by
38 a municipality or the State of New Jersey. Payment of a money
39 judgment pursuant hereto shall be remitted in the case of a suit
40 brought by a municipality to the municipal treasurer and in the
41 case of a suit brought by the State of New Jersey to the State
42 Treasurer.

1 ***[20.]*** *21.* Effect of the promulgation of the code. All construc-
2 tion regulations incorporated in any act of the State of New Jersey,
3 or of any municipality presently in effect, or validly promulgated or
4 enacted by any board, department, commission or agency thereof
5 shall continue in effect until such time as any such regulation is
6 superseded by appropriate regulations promulgated pursuant to
7 this act, at which time they shall be deemed repealed and super-

8 seded, and of no further force and effect. A ***[building]*** **construction**
 9 *tion** permit issued under valid construction regulations prior to the
 10 promulgation of the code shall remain valid, and the construction
 11 of any building or structure may be completed pursuant to and in
 12 accordance with said permit. The construction of any building or
 13 structure started before the promulgation of the code that did not
 14 as of the date of the beginning of the construction require a ***[build-**
 15 **ing]*** **construction** permit may be completed without a ***[build-**
 16 **ing]*** **construction** permit. Nothing contained in this act or the
 17 code shall be deemed to affect, repeal or invalidate local zoning
 18 ordinances **or the regulation or licensing of any trade or profession*
 19 *engaged in construction work**.

1 ***[21.]*** **22.** Partial invalidity; severability. If any clause,
 2 sentence, subdivision, paragraph, subsection or section of this act
 3 be adjudged unconstitutional or invalid, such judgment shall not
 4 affect, impair or invalidate the remainder thereof, but shall be
 5 confined in its operation to the clause, sentence, paragraph, sub-
 6 division, subsection or section thereof directly involved in the
 7 controversy in which said judgment shall have been rendered.

1 ***[22.]*** **23.** Interpretation of powers. The powers enumerated
 2 in this act shall be interpreted broadly to effectuate the purposes
 3 thereof.

1 ***[23.]*** **24.** Effective date. This act shall take effect 120 days
 2 from the date of approval thereof.

SENATE MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1299

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: MAY 8, 1975

Assembly Bill No. 1299 (OCR), to be known as the State Uniform Construction Code Act, authorizes the Commissioner of Community Affairs, after a study of the various national codes which have been widely adopted in the State and region, to adopt a State Uniform Construction Code. The utility and objectives of such a code are set forth in section 4 of this act.

The State Uniform Construction Code shall henceforth regulate the structural design, construction, maintenance and use of all buildings or structures in the State, except school buildings. The Department of Education shall, however, annually update its rules and regulations concerning public school facilities for the purpose of, where appropriate, making them conform to the State Uniform Construction Code.

The key features and principal objectives of the uniform building code are as follows:

(1) To replace the multiplicity of locally adopted codes by a uniform State construction code, thereby, it is contended by the bill's supporters, lowering the costs of construction and maintenance by encouraging the use of new materials, products and technology and the development of larger and more efficient construction operations;

(2) To simplify, clarify and standardize the existing system of construction application review through a system of one-stop building permits, thereby avoiding the unnecessary duplication and time-consuming and costly nature of the existing multiple permit system;

(3) To upgrade the quality and provide for a more uniform system of construction and building inspection throughout the State;

(4) To strengthen local enforcement powers over building construction, while simultaneously establishing a quasi-judicial system for handling appeals from the decisions of local officials;

PROCESS OF ADOPTION OF UNIFORM CODE (Sections 5 and 6)

After consultations with the code advisory board and any State agencies heretofore authorized to establish or administer construction regulations, and the holding of public hearings on the proposed code, the commissioner shall adopt a State Uniform Construction Code. The code shall be subdivided into several subcodes, including but not limited to: a building code, a plumbing code, an electrical code, an energy code, a mobile home code and a mechanical code. Subcodes may be individually adopted by the commissioner but any subcodes adopted shall be model codes of nationally recognized organizations.

The commissioner is empowered to adopt, amend and repeal, after consultation with the code advisory board, rules relating to:

- (1) The administration and enforcement of the code; and
- (2) The qualifications or licensing, or both, of all persons employed by enforcing agencies of local units or the State.

CODE ADVISORY BOARD (Section 7)

The board shall assist and advise the commissioner on administration of the act. The board is to be comprised of persons with designated expertise and four citizen members, who shall be appointed for 4-year staggered terms by the commissioner. The code advisory board shall appoint a committee for each subcode adopted pursuant to section 5; each committee shall be comprised of one code advisory board member, who shall serve as chairman, and four citizens who are experienced and knowledgeable in matters relating to the particular subcode.

ADMINISTRATION AND ENFORCEMENT (Section 8)

The appointing authority of any municipality may appoint (1) a construction official and subcode officials to administer and enforce the code, and (2) a construction board of appeals to hear and decide appeals from decisions of officials, provided that in municipalities under civil service, civil service rules shall apply. Alternatively, a municipality may accept inspections by an authority approved by the State of New Jersey pursuant to law, the department, or by entering into joint agreements therefor with other municipalities.

A. CERTIFICATION

Municipal construction or subcode officials shall be appointed for 4-year terms, but tenure or civil service status of existing eligible employees shall not be affected. All construction or subcode officials, to be eligible for appointment, shall have been certified by the commissioner, and no person shall act in any such capacity unless he has been determined to be qualified by the commissioner, except in the case of tenured employees, persons with permanent civil service status or persons holding office without tenure on the effective date of this act

or within 1 year thereafter, and persons holding a valid plumbing inspector's license or valid electrical inspector's license on the effective date of this act; however, office holders without tenure, except in the case of licensed plumbing and electrical inspectors, shall be certified within 4 years of the effective date of this act.

The bill requires that to be eligible for appointment the construction or subcode officials shall have a specified number of years of experience in various alternative facets of the construction industry, as well as meet certain educational and license requirements.

B. POWERS OF CONSTRUCTION AND SUBCODE OFFICIALS

The municipal enforcing agency (the collective term for the construction and/or subcode officials of a municipality) shall require compliance with provisions of the code and all regulations adopted and promulgated thereunder, and of any laws relating to construction, alteration, repair, removal, demolition and integral equipment and location, occupancy and maintenance of buildings and structures, unless otherwise provided.

The construction official in each municipality (1) shall be the chief administrator of the enforcing agency and (2) shall, when qualified to act as a subcode official, be empowered to overrule a determination of an official in interpreting substantive provisions of that subcode.

Each subcode official shall, pursuant to the subcode he administers, pass upon (1) matters relative to the mode, manner of construction or materials to be used in erecting or altering any building or structure, except when such matters are foreclosed by State approval, and (2) the execution of the approved plans and installation of materials approved by the State.

C. CONSTRUCTION BOARD OF APPEALS

Each county shall create a construction board of appeals to hear appeals from decision of enforcing agency, except that such boards shall not hear appeals from a municipality which establishes its own board of appeals.

Boards of appeals shall consist of five members who are qualified by experience or training to perform their duties as board members. The governing bodies of the appropriate units of government shall appoint the board members for 4-year terms.

The construction board of appeals shall review appeals of any refusal to grant an application or to act upon an application. The board may affirm, reverse or modify the decision of the enforcing agency or remand the matter for further action.

STATE BUILDINGS (Section 11)

The Division of Buildings and Construction in the Department of the Treasury shall have exclusive authority to administer and enforce the code in regard to State buildings and structures, provided that the division shall enforce the code with persons certified by the commissioner. Prior to the approval of the plans and specifications for any State structure or building costing in excess of \$50,000.00, the Division shall hold a public hearing in the county in which the building or structure is to be located.

CONSTRUCTION PERMITS (Sections 12 and 13)

Enforcing agency shall examine and act upon each application for a construction permit within a prescribed period of time. If application is denied, whether in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. Failure to act within said time shall be deemed a denial of the application for purposes of appeal to the construction board of appeals, unless the period of time has been extended by mutual consent. No construction or alterations of any building or structure shall be commenced until a construction permit has been issued, and such construction or alteration shall be in compliance with the approved application for a permit.

A construction permit shall expire within 1 year from issuance when no construction has been undertaken above foundation walls, and said permit may be suspended or revoked at any time in case of neglect or failure to comply within provisions of act or code.

Commissioner may establish regulations designating department as enforcing agency for purposes of approving plans and specifications of certain classes or types of occupancy (see amendments) posing special or unusual hazards to public safety, as may be designated by the commissioner, and no local permits shall be issued for such construction without departmental approval of the appropriate plans and specifications.

INSPECTION OF CONSTRUCTION BY ENFORCING AGENCY (Section 14)

The enforcing agency shall periodically inspect all construction undertaken pursuant to any construction permit issued by it, and shall have the necessary powers for carrying out such inspections and for assuring that construction or alteration is performed in accordance with the conditions of the construction permit, the requirements of the code and any ordinances adopted pursuant thereto.

CERTIFICATES OF OCCUPANCY (Section 15)

No building or structure hereafter constructed or, when existing use or occupancy is discontinued, altered, shall be used or occupied, in whole or in part, until a certificate of occupancy shall have been issued by the enforcing agency.

PREMANUFACTURED SYSTEMS

Commissioner shall establish a procedure for the issuance of certificates of acceptability at the place of manufacture for premanufactured systems to be used in the State. The procedure shall require the submission to the department of detailed plans and specifications for departmental approval, and may require submission of test results on such systems or any of their components. Premanufactured systems shall be inspected by the department or a qualified person selected by it. Alternatively, the commissioner may require that premanufactured systems bear the approved label of a qualified body selected by the commissioner, which body shall make follow-up inspections to assure compliance with the code and plans and specifications.

On-site inspections of certified premanufactured systems shall be limited to nondestructive tests approved by the department, and designed to insure that the system (1) has not been damaged in transit and (2) has been installed in accordance with the construction permit and the code.

Applications for a construction permit specifying the use of a certified premanufactured system shall be approved by the enforcing agency if the application complies in all respects with provisions of this act, the code and other applicable laws and ordinances. The enforcing agency may charge a reasonable fee for the issuance of such permits or for the inspection of the installation of such systems.

RECIPROCAL RECOGNITION OF CERTIFICATION OF PREMANUFACTURED SYSTEMS (Section 18)

The commissioner, after consultation with code advisory board, may, for purposes of certification, accept the findings of any other state, the Federal Government or nationally recognized organizations. The commissioner shall certify that such findings are in compliance with the code and this act.

EFFECT OF PROMULGATION OF CODE (Section 21)

All existing valid construction regulations incorporated in any act of the State, or of any political subdivisions or agencies thereof, shall continue in effect until superseded by appropriate regulations promulgated pursuant to this act, at which time they shall be deemed repealed

and superseded. Construction permits issued under valid construction regulations prior to promulgation of code shall remain valid and construction may be completed in accordance thereto. Construction that has been started and did not require a construction permit at the time such construction began, may be completed without a construction permit.

The provisions of this act shall not affect local zoning powers or the regulation of licensing of any construction trade or profession.

The Senate Committee amendments are both of a technical and substantive nature. The substantive amendments are as follows:

(1) Section 5 is amended so as to: (a) authorize the adoption of a separate subcode or supplements and revisions to other subcodes for the purpose of providing access to buildings for the physically handicapped, and (b) to require reports to the Legislature within 3 years by the commissioner and the Department of Education on the extent to which rules and regulations for public school facilities have been brought into conformity with the code and the problems thereto still outstanding;

(2) Section 6 is amended to provide that rules promulgated by the commissioner shall be binding on plumbing inspectors only to the extent of their compatibility with rules and regulations promulgated by the Public Health Council;

(3) Section 7 is amended so as to require the appointment of a licensed electrical inspector and a fire prevention inspector to the code advisory board;

(4) Section 8 is amended to require every municipality to appoint, either singly or jointly with other municipalities, a construction official—the provision for substitute administration and enforcement by the State is left in tact;

(5) Section 9 is amended to provide that inaction in the case of the enforcing agency and the construction board of appeals shall be deemed a denial of an application for a construction permit;

(6) Section 11 is amended so as to subject to the provisions of the code, any building and structure of any interstate agency when said building or structure is situated exclusively in New Jersey;

(7) Section 12 is amended to grant local enforcing agencies inspection powers over public school construction or alterations in accordance with the school house guide, but allows the school district to appeal the decision of said agency to the Department of Education; and

(8) Section 19 is amended so as to allow substitute inspection only by an agency approved by the Department of Community Affairs.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1299

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 8, 1975

Amend page 2, section 3, line 28, omit "and", insert ","; after "refrigerating", insert "and fire prevention".

Amend page 5, section 5, line 18, omit "safety", insert "prevention".

Amend page 5, section 5, line 27B, after "thereto.", insert new paragraph as follows:

"The commissioner shall be authorized to adopt a barrier free subcode or to supplement or revise any model code adopted hereunder, for the purpose of insuring that adequate and sufficient features are available in buildings or structures so as to make them accessible to and usable by the physically handicapped."

Amend page 5, section 5, lines 29-30, omit ", where appropriate,".

Amend page 5, section 5, line 30, after "of", insert ", insofar as appropriate for such facilities,".

Amend page 5, section 5, line 32, after "commissioner.", insert "Within 3 years from the effective date of this act, the Department of Education and commissioner shall submit to the Legislature reports on the extent to which the Department of Education's rules and regulations have been brought into conformity with the code, and identifying problems still outstanding for purposes of applying the provisions of the code to all public school facilities."

Amend page 6, section 6, line 6A, omit "the code", insert "this act".

Amend page 6, section 6, line 8, after "code", insert ", except that, plumbing inspectors shall be subject to the rules adopted by the commissioner only insofar as such rules are compatible with such rules and regulations, regarding health and plumbing for public and private buildings, as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes".

Amend page 6, section 6, line 16, omit "reasonably expected to be".

Amend page 6, section 6, line 22A, after "code", insert "so as to resolve inconsistent or conflicting code interpretations".

Amend page 6, section 6, lines 31-31A, omit "construction".

Amend page 6, section 7, line 4, omit "11", insert "13".

Amend page 7, section 7, line 12, after "New Jersey;", insert "one licensed electrical inspector in the State of New Jersey; one fire prevention inspector in the State of New Jersey".

Amend page 7, section 7, line 16, omit "two", insert "four".

Amend page 7, section 7, line 25, after "subcode", insert "and, should a subcode therefor not be adopted, for supplements to or revisions of the barrier free design provisions of any model code".

Amend page 7, section 8, line 2, omit "may", insert "shall".

Amend page 7, section 8, line 3, after "and", insert "any necessary".

Amend page 8, section 8, line 14, after "and", insert "who".

Amend page 8, section 8, line 33, after "(1)", omit "pass upon".

Amend page 9, section 8, line 64, omit "tenure,".

Amend page 9, section 8, line 65, after "or", insert "tenure".

Amend page 9, section 8, line 67, after "without", insert "such permanent civil service status or".

Amend page 9, section 8, line 70, after "having", insert "such permanent civil service status or"; omit ", except a person holding on the effective date".

Amend page 9, section 8, lines 71-74, omit lines in their entirety.

Amend page 9, section 8, line 75, omit "Statutes".

Amend page 9, section 8, line 76, after "thereof", insert "provided further that a person holding on the effective date of this act a valid plumbing inspector's license from the Department of Health pursuant to Title 26 of the Revised Statutes may serve as a plumbing subcode official and a person holding on the effective date of this act a valid electrical inspector's license from the Board of Public Utility Commissioners pursuant to Title 48 of the Revised Statutes may serve as an electrical subcode official".

Amend page 11, section 9, line 48, after "municipal", insert "or joint".

Amend page 11, section 9, line 61, omit "; provided that such".

Amend page 11, section 9, lines 62-64, omit lines in their entirety.

Amend page 11, section 9, line 65, omit "construction permit".

Amend page 12, section 11, line 1, after "buildings", insert "and buildings of interstate agencies".

Amend page 12, section 11, line 1, after ".", insert "a.".

Amend page 12, section 11, line 12, after line 12, insert new paragraph as follows:

"b. Construction, alteration, renovation, rehabilitation, repair, removal or demolition of any building or structure situated wholly within New Jersey by or for an agency created by an interstate compact to

which the State of New Jersey is a party shall be subject to the provisions of the code; provided that such interstate agency shall have exclusive authority to administer and enforce the code in regard to such buildings and structures.”.

Amend page 13, section 12, line 22, after “elevator”, insert “, fire prevention equipment”.

Amend page 13, section 12, line 30, omit “only”.

Amend page 13, section 12, line 35, omit “code”, insert “school house guide, adopted pursuant to Title 18A of the New Jersey Statutes,”.

Amend page 13, section 12, line 36, after “community.”, insert “The advice of the enforcing agency shall be binding upon the district board of education, except that an appeal to the Department of Education shall be available to the district board of education.”.

Amend page 13, section 12, line 38, after “facility”, omit “are”.

Amend page 13, section 13, line 14, after “herein”, insert “, such failure”.

Amend page 14, section 13, line 30, omit “construction”, insert “occupancy”.

Amend page 14, section 13, line 34, omit “construction”, insert “occupancy”.

Amend page 16, section 16, line 1, after “a”, insert “county,”.

Amend page 18, section 18, line 11, omit “the Building Officials and Code Adminis-”.

Amend page 18, section 18, line 12, omit line in its entirety.

Amend page 18, section 18, line 13, omit “tute, or other such”, insert “or”; omit “organization”, insert “organizations”.

Amend page 18, section 18, line 17, omit line in its entirety.

Amend page 18, section 18, line 18, omit “other such”; omit “organization”, insert “organizations”.

Amend page 18, section 19, line 1, omit “Inspection”, insert “Review”; after “specifications”, insert “and inspection of construction”.

Amend page 18, section 19, line 2, after “the department”, insert “or an agency approved by the commissioner”.

Amend page 18, section 19, line 3, omit “agree to”.

Amend page 18, section 19, line 6, after “department”, insert “or such agency, as the case may be,”.

Amend page 19, section 20, line 11, omit “knowingly”.

[SENATE REPRINT]

ASSEMBLY, No. 1299

[OFFICIAL COPY REPRINT]

with Senate committee amendments adopted May 8, 1975

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen PELLECCCHIA, BURSTEIN, ESPOSITO, KLEIN, LEFANTE, HICKS, HAWKINS, SINSIMER, CALI, BROWN, NERI, KEEGAN, GALLO, PERKINS, SHELTON, McCARTHY, JACKMAN, Assemblywoman TOTARO, Assemblymen GLADSTONE, OWENS and MacINNES

Referred to Committee on Commerce, Industry and Professions

AN ACT to authorize the Commissioner of Community Affairs to adopt rules relating to the construction, alteration, renovation, rehabilitation, maintenance, occupancy and use of buildings and structures; to provide for Statewide approval of premanufactured systems; to provide for the administration and enforcement of the act; and to establish remedies and fix penalties for violation of the act.

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

1 1. Short title. This act shall be known, and may be cited and
2 referred to, as the "State Uniform Construction Code Act."

1 2. Purpose. It is the intent and purpose of this act:

2 a. To encourage innovation and economy in construction and to
3 provide requirements for construction and construction materials
4 consistent with nationally recognized standards.

5 b. To formulate such requirements, to the extent practicable, in
6 terms of performance objectives, so as to make adequate perform-
7 ance for the use intended as the test of acceptability.

8 c. To permit to the fullest extent feasible the use of modern
9 technical methods, devices and improvements, including premanu-
10 factured systems, consistent with reasonable requirements for the
11 health, safety, and welfare of occupants or users of buildings and
12 structures.

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

13 d. To eliminate restrictive, obsolete, conflicting and unnecessary
 14 construction regulations that tend to unnecessarily increase con-
 15 struction costs or retard the use of new materials, products or
 16 methods of construction, or provide preferential treatment to types
 17 or classes of materials or products or methods of construction.

18 e. To insure adequate maintenance of buildings and structures
 19 throughout the State and to adequately protect the health, safety
 20 and welfare of the people.

21 f. To eliminate unnecessary duplication of effort and fees in the
 22 review of construction plans and the inspection of construction.

1 3. Definitions. As used in this act unless the context clearly
 2 indicates otherwise:

3 "Building" means, exclusive of a public school facility, a struc-
 4 ture enclosed with exterior walls or fire walls, built, erected and
 5 framed of component structural parts, designed for the housing,
 6 shelter, enclosure and support of individuals, animals or property
 7 of any kind.

8 "Business day" means any day of the year, exclusive of Satur-
 9 days, Sundays, and legal holidays.

10 "Certificate of occupancy" means the certificate provided for in
 11 section ***[11]*** *15* of this act indicating that the construction
 12 authorized by the ***[building]*** *construction* permit has been
 13 completed in accordance with the ***[building]*** *construction*
 14 permit, the State Uniform Construction Code and any ordinance
 14A implementing said code.

15 "Commissioner" means the Commissioner of Community
 16 Affairs.

17 "Code" means the State Uniform Construction Code.

18 "Construction" means the construction, erection, reconstruction,
 19 alteration, conversion, demolition, removal, repair or equipping of
 20 buildings or structures.

21 "Construction board of appeals" means the board provided for
 22 in section ***[8]*** *9* of this act.

23 "Department" means the Department of Community Affairs.

24 "Enforcing agency" means the municipal ***[building official**
 25 provided for in section 7 and assistants and inspectors subordinate
 26 to him]* *construction official and subcode officials provided for in
 26A section 8 of this act and assistants thereto*.

27 "Equipment" means plumbing, heating, electrical, ventilating,
 28 air conditioning ****[and]**** ***,** refrigerating **and fire pre-
 29 vention** equipment, and elevators, dumb waiters, escalators,
 30 boilers, pressure vessels and other mechanical facilities or in-
 30A stallations.

31 "Hearing examiner" means a person appointed by the commis-
 32 sioner to conduct hearings, summarize evidence, and make findings
 33 of fact.

34 "Maintenance" means the replacement or mending of existing
 35 work with equivalent materials or the provision of additional work
 36 or material for the purpose of the safety, healthfulness, and up-
 37 keep of the structure and the adherence to such other standards
 38 of upkeep as are required in the interest of public safety, health
 39 and welfare.

40 "Mobile home" means a vehicular, portable structure which is
 41 built on a chassis and designed to be used without a permanent
 42 foundation as a dwelling for year round rather than temporary
 43 occupancy when connected to required utilities.

44 "Municipality" means any city, borough, town, township or
 45 village.

46 "Owner" means the owner or owners in fee of the property or
 47 a lesser estate therein, a mortgagee or vendee in possession, an
 48 assignee of rents, receiver, executor, trustee, lessee, or any other
 49 person, firm or corporation, directly or indirectly in control of a
 50 building, structure, or real property and shall include any sub-
 51 division thereof of the State.

52 "Premanufactured system" means an assembly of materials or
 53 products that is intended to comprise all or part of a building
 54 or structure, exclusive of a public school facility, and that is
 55 assembled offsite by a repetitive process under circumstances
 56 intended to insure uniformity of quality and material content.

57 "Public school facility" means any building or any part thereof
 58 where the plans and specifications are submitted to, and approved
 59 by, the State Board of Education pursuant to N. J. S. 18A:18-2.

60 "Stop construction order" means the order provided for in sec-
 61 tion ***[13]*** *14* of this act.

62 "State Uniform Construction Code" means the code provided for
 63 in section 5 of this act, or any portion thereof, and any modification
 64 of or amendment thereto.

65 "Structure" means, exclusive of a public school facility, a com-
 66 bination of materials to form a construction for occupancy, use,
 67 or ornamentation whether installed on, above, or below the surface
 68 of a parcel of land; provided, the word "structure" shall be
 69 construed when used herein as though followed by the words "or
 70 part or parts thereof and all equipment therein" unless the context
 71 clearly requires a different meaning.

1 ***[4]**. Legislative findings. It is hereby found and declared:

2 a. That the model codes of the Building Officials and Code Ad-
3 ministrators International, Inc., or modifications thereof, have been
4 widely adopted in the State of New Jersey and in the geographical
5 region of the United States of which New Jersey is a part;

6 b. That because of the wide adoption in this State of the model
7 codes of the Building Officials and Code Administrators Inter-
8 national, Inc., or modification thereof, the adoption of such codes
9 pursuant to this act will cause less confusion in enforcement than
10 the adoption of any other codes or codes of similar nature;

11 c. That the need for new construction in the State of New Jersey
12 can be met in part by the use of premanufactured systems fabricated
13 in the geographical region of the United States of which New Jersey
14 is a part and that these systems are largely designed in accordance
15 with the standards of the model codes of the Building Officials and
16 Code Administrators International, Inc.]*

17 *4. *Legislative findings. It is hereby found and declared:*

18 a. *That a multiplicity of construction codes currently exists in*
19 *this State and some of these codes contain needless restrictions*
20 *which limit the use of certain materials, techniques or products*
21 *without any benefits to the public. Moreover, the variation of con-*
22 *struction standards caused by the multiplicity of codes slows the*
23 *process of construction and increases the costs of construction.*

24 b. *That the way to insure uniform, modern construction stan-*
25 *dards and regulations throughout the State of New Jersey which*
26 *will lower the cost of housing and other construction without any*
27 *detriment to the public health, safety and welfare is to adopt a*
28 *uniform State construction code.*

29 c. *That the need of new construction in the State can be met in*
30 *part by the use of premanufactured systems which are fabricated*
31 *in the geographical region of the United States of which New Jersey*
32 *is a part and that a uniform construction code should include*
33 *standards to permit the use of such systems.*

34 d. *That the model codes of the Building Officials and Code*
35 *Administrators International, Inc., the National Electrical Code*
36 *and the National Standard Plumbing Code, or modification thereof,*
37 *are construction codes which have been widely adopted in this State*
38 *and in the geographical region of the United States of which New*
39 *Jersey is a part and adoption of these nationally recognized codes*
40 *pursuant to this act will insure that the State has a uniform, modern*
41 *construction code which will insure health, safe, and sanitary con-*
42 *struction but also less expensive construction for the citizens of this*
43 *State.**

1 5. Adoption of a State Uniform Construction Code.

2 a. The commissioner shall after public hearing pursuant to
 3 section 4 of the "Administrative Procedure Act," P. L. 1968, c. 410
 4 (C. 52:14B-4) adopt a State Uniform Construction Code for the
 5 purpose of regulating the structural design, construction, main-
 6 tenance and use of buildings or structures to be erected and altera-
 7 tion, renovation, rehabilitation, repair, maintenance, removal or
 8 demolition of buildings or structures already erected. Prior to the
 9 adoption of said code, the commissioner shall consult with **the code*
 10 *advisory board and** other departments, divisions, bureaus, boards,
 11 councils, or other agencies of State Government heretofore
 12 authorized to establish or administer construction regulations.
 13 **Such prior consultations with departments, divisions, bureaus,*
 13A *boards, councils, or other agencies of State Government shall in-*
 13B *clude but not be limited to consultation with the Commissioner of*
 13C *Health and the Public Health Council prior to adoption of a plumb-*
 13D *ing subcode pursuant to paragraph b. of this section.** Said code
 13E shall include any code, rule or regulation incorporated therein by
 13F reference.

14 b. The code shall be divided into subcodes which may be adopted
 15 individually by the commissioner as he may from time to time
 16 consider appropriate. Said subcodes shall include but not be limited
 17 to a building code, a plumbing code, an electrical code, **an energy*
 18 *code,** a fire ****[safety]**** ***prevention*** code, a mobile home
 18A code and mechanical code.

19 These subcodes shall be adoptions of the model codes of the
 20 Building Officials and Code Administrators International, Inc.,
 21 **the National Electrical Code, and the National Standard Plumb-*
 22 *ing Code,** provided that ***[in the absence of a particular model**
 23 **code of the Building Officials and Code Administrators Interna-**
 24 **tional, Inc. or]** ** for [other]** good reasons, the commissioner may
 25 adopt as a subcode a model code of some other nationally recognized
 26 organization upon a finding that such model code promotes the
 27 purposes of this act. The initial adoption of a model code as a sub-
 27A code shall constitute adoption of any subsequent revisions or
 27B amendments thereto.

27C ***The commissioner shall be authorized to adopt a barrier free*
 27D *subcode or to supplement or revise any model code adopted here-*
 27E *under, for the purpose of insuring that adequate and sufficient*
 27F *features are available in buildings or structures so as to make*
 27G *them accessible to and usable by the physically handicapped.***

28 c. The Department of Education shall annually update its rules
 29 and regulations concerning public school facilities for the pur-
 30 pose****[**, where appropriate,**]**** of**, *insofar as appropriate for*
 31 *such facilities*** making them conform with the State Uniform
 32 Construction Code. Such updating shall be undertaken in consulta-
 33 tion with the commissioner. ***Within 3 years from the effective*
 34 *date of this act, the Department of Education and commissioner*
 35 *shall submit to the Legislature reports on the extent to which the*
 36 *Department of Education's rules and regulations have been*
 37 *brought into conformity with the code, and identifying problems*
 38 *still outstanding for purposes of applying the provisions of the*
 39 *code to all public school facilities.***

1 6. Powers of the commissioner. The commissioner shall have
 2 all the powers necessary or convenient to effectuate the purposes
 3 of this act, including, but not limited to, the following powers in
 4 addition to all others granted by this act:

5 a. To adopt, amend and repeal*, *after consultation with the code*
 6 *advisory board,** rules*: (1)* relating to the administration and
 6A enforcement of ****[the code]**** ***this act*** and *(2)* the qualifica-
 7 tions or licensing, or both, of all persons employed by enforcing
 8 agencies of the State to enforce this act or the code**, *except that,*
 8A *plumbing inspectors shall be subject to the rules adopted by the*
 8B *commissioner only insofar as such rules are compatible with such*
 8C *rules and regulations, regarding health and plumbing for public*
 8D *and private buildings, as may be promulgated by the Public Health*
 8E *Council in accordance with Title 26 of the Revised Statutes**.*

9 b. To enter into agreements with Federal and State of New Jer-
 10 sey agencies*, *after consultation with the code advisory board,** to
 11 provide insofar as practicable (1) single-agency review of construc-
 12 tion plans and inspection of construction and (2) intergovernmental
 13 acceptance of such review and inspection to avoid unnecessary
 14 duplication of effort and fees. The commissioner shall have the
 15 power to enter into such agreements although the Federal
 15A standards are not identical with State standards; provided
 16 that the same basic objectives are ****[reasonably expected to be]****
 17 met. The commissioner shall have the power through such agree-
 18 ments to bind the State of New Jersey and all governmental en-
 19 tities deriving authority therefrom.

20 c. To take testimony and hold hearings relating to any aspect
 21 of or matter relating to the administration or enforcement of this
 22 act*, *including but not limited to prospective interpretation of the*
 22A *code **so as to resolve inconsistent or conflicting code inter-*

pretations**,* and, in connection therewith, issue subpoenas to compel the attendance of witnesses and the production of evidence. The commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the commissioner.

d. To encourage, support or conduct*, *after consultation with the code advisory board**, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State Government, enforcing agencies, educational institutions, or associations of ***[building]*** ****[*construction*]**** code officials.

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

f. To make, establish and amend*, *after consultation with the code advisory board**, such rules as may be necessary, desirable or proper to carry out his powers and duties under this act.

***7. Code advisory board.**

a. *To assist and advise the commissioner in the administration of this act there is hereby created in the Department of Community Affairs a code advisory board to consist of ****[11]**** ****13**** citizens to be appointed by the commissioner for a term of 4 years. The board shall consist of: one architect registered in the State of New Jersey; two professional engineers licensed by the State of New Jersey, one of whom shall be a mechanical engineer and one of whom shall be a structural engineer; one municipal building official; one member of the building industry in the State of New Jersey; one public health official in the State of New Jersey; one licensed plumbing inspector in the State of New Jersey; ****one licensed electrical inspector in the State of New Jersey; one fire prevention inspector in the State of New Jersey**** and four members of the public, two of whom shall be experienced in representing consumers. Of the members first appointed the commissioner shall designate the appointees' terms so that three shall be appointed for terms of 1 year, three for terms of 2 years, three for terms of 3 years and ****[two]**** ****four**** for terms of 4 years. Their successors shall be appointed for terms of 4 years.*

b. Code advisory board members shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties. Vacancies on the advisory board

22 shall be filled for the unexpired term. Members may be removed by
23 the commissioner for cause.

24 c. The code advisory board shall appoint a committee for each
25 subcode ***and, should a subcode therefor not be adopted, for sup-*
26 *plements to or revisions of the barrier free design provisions of*
27 *any model code*** adopted pursuant to section 5 of this act. Each
27A such committee shall consist of one member of the code advisory
28 board, who shall be chairman, and four citizens who are experienced
29 and knowledgeable in matters related to the particular subcode.
30 Each committee shall advise and assist the code advisory board in
31 the performance of its responsibilities under this act for the sub-
32 code in question. Committee members shall serve without com-
33 pensation and at the pleasure of the code advisory board.*

1 **[7.]* *8.* Administration and enforcement.*

2 a. The appointing authority of any municipality ***[may]***
3 ***shall*** appoint a **[building]* *construction** official **and **any*
4 *necessary*** subcode officials* to administer and enforce the code
5 and a construction board of appeals to hear and decide appeals
6 from decisions made by said **[building]* *construction** official
6A **and subcode officials,** in the administration and enforcement of
6B the code. **Nothing herein, however, shall prevent a municipality*
6C *from accepting inspections as to compliance with the code or any*
6D *subcode thereof made by an inspection authority approved by the*
6E *State of New Jersey pursuant to law.**

7 b. A municipal **[building]* *construction** official **and any*
8 *subcode official** shall be appointed for a term of 4 years, provided,
9 however, that tenure shall continue for (1) any **[building]* *con-*
10 *struction** official **or subcode official** who is serving under tenure
11 as otherwise provided by law on the effective date of this act or
12 within 1 year thereafter, **[and (2) any building official]* *or (2)*
13 *any person** certified pursuant to subsection c. of this section
14 **[who]* *and* **who*** subsequently gains such tenure. Nothing
15 in this section shall affect the civil service status of any **[build-*
15A *ing]* *construction or subcode** official who at the effective date of
15B this act or subsequently comes under the provisions of Title 11 of
15C the Revised Statutes.

16 **[The building official in each municipality shall head the "en-*
17 *forcing agency."* The municipality shall provide for such inspectors
18 and staff, consistent with regulations adopted by the commissioner
19 as are necessary for proper administration and enforcement of the
20 code. Such regulations shall, to the maximum extent feasible, take
21 into account existing employees of the municipality and local board
22 of health, and their tenure and civil service status.]**

23 A ***[building]*** **construction or subcode** official, to be eligible
 24 for appointment, shall be certified by the State of New Jersey in
 25 accordance with subsection c. of this section and shall have had at
 26 least 3 years experience in construction, design or supervision **as*
 27 *a licensed engineer or registered architect; or 5 years experience*
 28 *in construction design, or supervision as an architect or engineer*
 29 *with a bachelor's degree from an accredited institution of higher*
 30 *education; or 10 years experience in construction, design or super-*
 31 *vision as a journeyman in a trade or as a contractor**. ***[The build-**
 32 **ing]*** **A subcode** official shall **, pursuant to any subcode which*
 33 *he administers,** pass upon *: (1)* *****[pass upon]**** *matters relative*
 34 *to the mode, manner of construction or materials to be used in the*
 35 *erection or alteration of buildings or structures, except as to any*
 36 *such matter foreclosed by State approval pursuant to this act*[.*
 37 *The building official shall pass on the]* **, *and (2)** actual execution
 38 *of the approved plans and the installation of the materials*
 39 *approved by the State. *The construction official in each municipi-*
 40 *pality shall be the chief administrator of the "enforcing agency."*
 41 *He shall have the power to overrule a determination of a subcode*
 42 *official based on an interpretation of a substantive provision of the*
 43 *subcode which such subcode official administers only if the con-*
 44 *struction official is qualified to act pursuant to this act as a subcode*
 45 *official for such subcode. He may serve as subcode official for any*
 46 *subcode which he is qualified under this act to administer. A sub-*
 47 *code official or municipal engineer may serve as a construction*
 48 *official if otherwise qualified under the provisions of this act.**
 49 ***[He]*** **The municipal enforcing agency** shall require compliance
 50 with the provisions of the code, of all rules lawfully adopted and
 51 promulgated thereunder and of laws relating to the construction,
 52 alteration, repair, removal, demolition and integral equipment and
 53 location, occupancy and maintenance of buildings and structures,
 54 except as may be otherwise provided for.

55 Two or more municipalities may provide by ordinance, subject
 56 to regulations established by the commissioner, for the joint
 57 appointment of a ***[building]*** **construction** official **and subcode*
 58 *official** for the purpose of enforcing the provisions of the code in
 59 the same manner.

60 c. No person shall act as a ***[building]*** **construction** official
 61 **or subcode official** for any municipality unless the commissioner
 62 determines that said person is so qualified except for the following:
 63 (1) a municipal ***[building]*** **construction** official **or subcode*
 64 *official** holding office under ****[tenure*,]**** *permanent civil ser-*

65 *vice status, or* *****tenure**** as otherwise provided by law on the
 66 effective date of this act or within 1 year thereafter and (2) a
 67 municipal ***[building]*** **construction** official **or subcode official**
 68 holding office without ***such permanent civil service status or***
 69 tenure on the effective date of this act or within 1 year thereafter;
 70 provided said ***[building]*** **construction** official **or subcode*
 70A *official** not having ***such permanent civil service status or***
 70B *tenure*****[*]**, except a person holding on the effective date
 71 of this act a valid plumbing inspector's license from the Depart-
 72 ment of Health pursuant to Title 26 of the Revised Statutes or hold-
 73 ing a valid electrical inspector's license from the Board of Public
 74 Utility Commissioners pursuant to Title 48 of the Revised
 75 Statutes*****]** shall be certified in accordance with this act within 4
 76 years of the effective date thereof ***provided further that a per-*
 77 *son holding on the effective date of this act a valid plumbing in-*
 78 *pector's license from the Department of Health pursuant to*
 79 *Title 26 of the Revised Statutes may serve as a plumbing subcode*
 80 *official and a person holding on the effective date of this act a valid*
 81 *electrical inspector's license from the Board of Public Utility*
 81A *Commissioners pursuant to Title 48 of the Revised Statutes may*
 81B *serve as an electrical subcode official.*** The commissioner*, after
 81C *consultation with the code advisory board,** may authorize the
 81D preparation and conducting of oral, written and practical examina-
 81E tions to determine if a person is qualified by this act to be eligible
 81F to be a ***[building]*** **construction** official **or subcode official** or,
 81G in the alternative, may accept successful completion of programs of
 82 training as proof of qualification within the meaning of this act.
 83 Upon a determination of qualification the commissioner shall issue
 84 or cause to be issued a certificate to the ***[building]*** **construction**
 85 official **or subcode official** or trainee stating that he is so certified.
 86 The commissioner*, after consultation with the code advisory
 87 board,* may establish classes of certification that will recognize
 88 the varying complexities of code enforcement in the municipalities
 89 within the State. The commissioner ***[may]*** **shall after con-*
 90 *sultation with the code advisory board,** provide for educational
 91 programs designed to train and assist ***[building]*** **construction**
 92 officials **and subcode officials** in carrying out their responsibilities.
 93 **Whenever the commissioner is required by the terms of this sub-*
 94 *section to consult with the code advisory board and the matter in*
 95 *question concerns plumbing subcode officials, the commissioner shall*
 96 *also consult with the Public Health Council and Commissioner of*
 97 *Health.*

98 *d. The commissioner, after consultation with the code advisory*
 99 *board, may periodically require that each construction official and*
 100 *subcode official demonstrate a working knowledge of innovations in*
 101 *construction technology and materials, recent changes in and addi-*
 102 *tions to the relevant portions of the State Uniform Construction*
 103 *Code, and current standards of professional ethics and legal*
 104 *responsibility; or, in the alternative, the commissioner, after con-*
 105 *sultation with the code advisory board, may accept successful com-*
 106 *pletion of appropriate programs of training as proof of such work-*
 107 *ing knowledge.**

1 ***[8.]*** *9.* Construction board of appeals.

2 a. ***[**There shall be a construction board of appeals for each
 3 municipality to hear appeals from decisions by the enforcing agency
 4 except that where two or more municipalities have combined to
 5 appoint a building official, a single board shall be established for
 6 the combined municipalities. The construction boards of appeals
 7 shall consist of not less than three nor more than seven members,
 8 as determined by the governing body of each municipality or, in
 9 the case of combined municipalities, as mutually determined by
 10 the governing bodies of such municipalities. Unless otherwise pro-
 11 vided by ordinance, or mutual ordinances in the case of combined
 12 municipalities, board members shall be appointed for 2-year terms.
 13 Said appointments shall be made by the appointing authority of the
 14 municipality or, in the case of combined municipalities, by such
 15 means as the municipalities shall agree upon. Each member of the
 16 board shall be qualified by experience or training to perform the
 17 duties of members of the construction board of appeals. A person
 18 may serve on the construction board of appeals of more than one
 19 municipality.]* *There shall be a construction board of appeals for
 20 each county to hear appeals from decisions by the enforcing agency
 21 provided that any municipality may establish its own construction
 22 board of appeals to hear appeals from decisions by the enforcing
 23 agency and further provided that where two or more municipalities
 24 have combined to appoint a construction official and subcode
 25 officials such combined municipalities may establish a joint con-
 26 struction board of appeals. Any such municipal or joint board
 27 shall hear appeals from the decisions of the municipal or joint
 28 enforcing agency, as the case may be, instead of the county board.
 29 Every construction board of appeals shall consist of five members.
 30 Each member of the board shall be qualified by experience or
 31 training to perform the duties of members of the construction
 32 board of appeals. Board members shall be appointed for a term

33 of 4 years by the appointing authority of the county or municipality
 34 in question or, in the case of a joint municipal board, by means
 35 mutually determined by the governing bodies of such municipalities.
 36 For the members first appointed, the appointing authority shall
 37 designate the appointees' terms so that one shall be appointed
 38 for a term of 1 year, one for a term of 2 years, one for a term of
 39 3 years, and two for a term of 4 years. Vacancies on the board
 40 shall be filled for the unexpired term. Members may be removed
 41 by the authority appointing them for cause. A person may serve
 42 on more than one construction board of appeals.*

43 b. When an enforcing agency refuses to grant an application
 44 *or refuses to act upon application* for a ***[building]*** *construc-
 45 tion* permit, or when the enforcing agency makes any other
 46 decision, pursuant or related to this act or the code, an owner, or
 47 his authorized agent, may appeal in writing to the ***[board]***
 48 *county or municipal **or joint** board, whichever is
 49 appropriate*. The board shall hear the appeal, render a
 50 decision thereon and file its decision with a statement
 50A of the reasons therefor with the enforcing agency from
 51 which the appeal has been taken not later than 10 business
 52 days following the submission of the appeal, unless such period of
 53 time has been extended with the consent of the applicant. Such
 54 decision may affirm, reverse or modify the decision of the enforcing
 55 agency or remand the matter to the enforcing agency for further
 56 action. A copy of the decision shall be forwarded by certified or
 57 registered mail to the party taking the appeal. Failure by the
 58 board to hear an appeal and render and file a decision thereon within
 59 the time limits prescribed in this subsection shall be deemed a
 60 denial of the appeal for purposes of a complaint, application or
 61 appeal to a court of competent jurisdiction****[*]**; provided that such
 62 failure by the board shall be deemed an approval of the appeal
 63 to it in the case of an appeal for failure of the enforcing agency
 64 to approve, in whole or in part, or deny an application for a
 65 construction permit****[*]**. A record of all decisions made by the
 66 board, properly indexed, shall be kept by the enforcing agency and
 67 shall be subject to public inspection during business hours. The
 68 board shall provide rules for its procedure in accordance with this
 69 act and regulations established by the commissioner.

1 ***[9.]*** *10.* Substitute administration and enforcement. When-
 2 ever a municipality or several municipalities decide not to admin-
 3 ister and enforce the code and request the commissioner to assume
 4 that task, the commissioner shall by regulation provide for the

5 enforcement of the code and this act in said municipality or munici-
 6 palities and for payment to the State of fees necessary to defray
 7 the expenses in furtherance of that end and the commissioner shall
 8 have all the powers conferred by this act upon any municipal
 9 governing body, chief executive, ***[building official]*** or enforcing
 10 agency and all other powers necessary and convenient to that end,
 11 provided that the commissioner shall provide a departmental
 12 appeal in lieu of an appeal to a municipal or joint construction
 13 board of appeals.

14 The commissioner shall hold hearings pursuant to section 6 c. of
 15 this act in order to establish regulations defining the operation of
 16 this section.

1 ***[10.]*** **11.* State buildings ****and buildings of interstate***
 2 *agencies**.* ***a.*** Notwithstanding any other provision of
 2A this act, the Division of Buildings and Construction in the
 3 Department of the Treasury shall have exclusive authority to
 4 administer and enforce the code in regard to buildings and struc-
 5 tures owned by the State ****[of New Jersey]*** **, and any of its
 6 departments, divisions, bureaus, boards, councils, authorities or
 7 other agencies provided that the division shall enforce the code
 8 with persons certified by the commissioner pursuant to this act.
 9 Prior to approval of plans and specifications for a structure or
 10 building costing in excess of \$50,000.00, the Division of Buildings
 11 and Construction in the Department of the Treasury shall hold
 12 a public hearing in the county in which the building is to be located*.

13 ***b.* Construction, alteration, renovation, rehabilitation, repair,
 14 removal or demolition of any building or structure situated wholly
 15 within New Jersey by or for an agency created by an interstate
 16 compact to which the State of New Jersey is a party shall be sub-
 17 ject to the provisions of the code; provided that such interstate
 18 agency shall have exclusive authority to administer and enforce
 19 the code in regard to such buildings and structures.**

1 ****[11.]*** *12.** Permit required for construction or alteration of
 2 buildings and structures; application therefor; required contents
 3 of application; issuance, effect and duration of permits; public
 4 school facilities. Except as otherwise provided by this act or in
 5 the code, before construction or alteration of any building or
 6 structure, the owner, or his agent, engineer or architect, shall submit
 7 an application in writing, including signed and sealed drawings
 8 and specifications, to the ****[building official]*** *enforcing agency**
 9 as defined in this act. The application shall be in accordance with
 10 regulations established by the commissioner and on a form pre-

11 scribed by the commissioner and shall be accompanied by payment
 12 of the fee to be established by the municipal governing body by
 13 ordinance in accordance with standards established by the com-
 14 missioner. The application for a ***[building]*** **construction**
 15 permit shall be filed with the enforcing agency and shall be a
 16 public record; and no application for a ***[building]*** **construction**
 17 permit shall be removed from the custody of the enforcing agency
 18 after a ***[building]*** **construction** permit has been issued.
 19 Nothing contained in this paragraph shall be interpreted as
 20 preventing the imposition of requirements in the code, for addi-
 21 tional permits for particular kinds of work, including but not
 22 limited to plumbing, electrical, elevator**, *fire prevention equip-*
 23 *ment*** or boiler installation or repair work, or in other defined
 23A situations.

24 ***[Prior to]*** **When final plans for** the construction or altera-
 25 tion of a public school **facility** ***[approved by]*** **are submitted*
 26 *to** the Department of Education, ***[the]*** **for approval, such**
 27 plans ***[for such construction or alteration]*** shall **also** be filed
 28 with the ***[building official]*** **enforcing agency** of the municipality
 29 in which the public school **facility** is located. The ***[building**
 30 **official]*** **enforcing agency** shall have the right ****[only]**** to in-
 31 spect any construction or alteration of a public school ***[building]***
 32 **facility** for the purpose of advising the board of education of
 33 the school district in which the **public** school ***[building]***
 34 **facility** is being constructed and the Commissioner of Education
 35 of any violations of the ****[code]**** **school house guide, adopted*
 36 *pursuant to Title 18A of the New Jersey Statutes,*** or practices
 37 detrimental to the health and safety of the community. ***The*
 38 *advice of the enforcing agency shall be binding upon the district*
 39 *board of education, except that an appeal to the Department of*
 40 *Education shall be available to the district board of education.***
 41 ***[If any]*** **When** changes in the plans for construction or
 42 alteration of a public school ***[building]*** **facility** ****[are]****
 43 ***[made and approved by]*** **are submitted to** the Department of
 44 Education, **for approval,** said plans shall **also** be submitted
 45 ***[as soon as possible]*** to the ***[building official]*** **enforcing*
 46 *agency** of the municipality in which the **public** school ***[build-**
 47 **ing]*** **facility** is or shall be located.

1 ***[12.]*** **13.** Examination and approval of applications for
 2 permits; expiration or cancellation of permits.

3 a. The enforcing agency shall examine each application for a
 4 ***[building]*** **construction** permit. If the application conforms

5 with this act, the code, and the requirements of other applicable
 6 laws and ordinances, the enforcing agency shall approve the ap-
 7 plication and shall issue a ***[building]* *construction*** permit to
 8 the applicant. Every application for a ***[building]* *construction***
 9 permit shall be granted, in whole or in part, or denied within 20
 10 business days. **If application is denied in whole or in part, the*
 11 *enforcing agency shall set forth the reasons therefor in writing.**
 12 ***[Failure by]*** **If** an enforcing agency **fails** to grant, in whole
 13 or in part, or deny an application for a ***[building]* *construction***
 14 permit within the period of time prescribed herein**, *such*
 15 *failure*** shall be deemed a denial of the application
 16 for purposes of an appeal to the construction board
 16A of appeals unless such period of time has been extended
 17 with the consent of the applicant. The enforcing agency
 18 may approve changes in plans and specifications previously
 19 approved by it, if the plans and specifications when so changed
 20 remain in conformity with law. Except as otherwise provided
 21 in this act or the code, the construction or alteration of a building
 22 or structure shall not be commenced until a ***[building]* *con-**
 23 **struction*** permit has been issued. The construction of a building
 24 or structure shall be in compliance with the approved application
 25 for a ***[building]* *construction*** permit; and the enforcing agency
 26 shall insure such compliance in the manner set forth in section
 27 ***[13]* *14*** of this act.

28 The commissioner*, *after consultation with the code advisory*
 29 *board,** may, for certain classes or types of ***[employment,]***
 30 ****[construction]**** ****occupancy**** *posing special or unusual*
 31 *hazards to public safety,** establish regulations designating the
 32 department as the enforcing agency for purposes of approving
 33 plans and specifications. A municipal enforcing agency shall not
 34 grant a ***[building]* **[*construction*]**** ****occupancy**** permit
 35 for any such class or type of construction unless the applicant
 35A submits appropriate plans and specifications certified or
 36 approved by the department. Upon submission by an applicant
 37 of such certified approved plans and specifications, the enforcing
 38 agency shall recognize the approval when deciding whether to
 39 approve the application for a ***[building]* *construction*** permit.
 40 b. A ***[building]* *construction*** permit, issued in accordance
 41 with the foregoing provisions, pursuant to which no construction
 42 has been undertaken above the foundation walls within 1 year
 43 from the time of issuance, shall expire. The enforcing agency
 44 may suspend, revoke or cancel a ***[building]* *construction*** permit
 45 in case of neglect or failure to comply with the provisions of this

46 act or the code, or upon a finding by it that a false statement or
 47 representation has been made in the application for the "[building]
 48 ing]" **construction** permit.

1 "[13.]" **14.** Inspection of construction by enforcing agency;
 2 right of entry; stop construction orders.

3 a. The enforcing agency shall periodically inspect all construc-
 4 tion undertaken pursuant to a "[building]" **construction** permit
 5 issued by it to insure that the construction or alteration is per-
 6 formed in accordance with the conditions of the "[building]" **con-*
 7 *struction** permit and consistent with the requirements of the code
 7A and any ordinance implementing said code.

8 b. The owner of any premises upon which a building or structure
 9 is being constructed shall be deemed to have consented to the in-
 10 spection by the enforcing agency and the department, of the
 11 entire premises and of any and all construction being performed
 12 on it until a certificate of occupancy has been issued. An inspector,
 13 or team of inspectors, on presentation of proper credentials, shall
 14 have the right to enter and inspect such premises, and any and all
 15 construction thereon, for purposes of ensuring compliance with the
 16 provisions of the applicable "[building]" **construction** permit,
 17 the code, and other applicable laws and regulations. All inspection
 18 pursuant to this act shall be between the hours of 9 a.m. and 5 p.m.
 19 on business days, or when construction is actually being undertaken,
 20 provided, however, that inspections may be conducted at other times
 21 if the enforcing agency has reasonable cause to believe that an im-
 22 mediate danger to life, limb or property exists, or if permission
 23 is given by an owner, or his agent, architect, engineer or builder.
 24 No person shall accompany an inspector or team of inspectors on
 25 any inspection pursuant to this act, unless his presence is necessary
 26 for the enforcement of this act, or the code, or unless consent is
 27 given by an owner or his agent, architect, engineer or builder.

28 c. If the construction of a structure or building is being under-
 29 taken contrary to the provisions of a "[building]" **construction**
 30 permit, this act, the code, or other applicable laws or ordinances,
 31 the enforcing agency "[shall]" **may** issue a stop construction
 32 order in writing which shall state the conditions upon which
 33 construction may be resumed and which shall be given to the owner
 34 or the holder of the "[building]" **construction** permit or to
 34A the person performing the construction. If the person doing the
 35 construction is not known, or cannot be located with reasonable
 36 effort, the notice may be delivered to the person in charge of, or
 37 apparently in charge of, the construction. No person shall continue,

38 or cause or allow to be continued, the construction of a building
 39 or structure in violation of a stop construction order, except with
 40 the permission of the enforcing agency to abate a dangerous con-
 41 dition or remove a violation, or except by court order. If an order
 42 to stop construction is not obeyed, the enforcing agency may apply
 43 to the appropriate court as otherwise established by law for an
 44 order enjoining the violation of the stop construction order. The
 45 remedy for violation of such an order provided in this subsection
 46 shall be in addition to, and not in limitation of, any other remedies
 47 provided by law or ordinance.

1 *~~14.~~* ~~15.~~* Certificates of occupancy. No building or struc-
 2 ture hereafter constructed shall be used or occupied in whole or in
 3 part until a certificate of occupancy shall have been issued by the
 4 enforcing agency. No building or structure hereafter altered, in
 5 whole or in part, shall be used or occupied until such a certificate has
 6 been issued, except that any use or occupancy in an already existing
 7 building or structure that was not discontinued during its altera-
 8 tion may be continued in the preexisting structure for 30 days after
 9 the completion of the alteration without the issuance of a certificate
 10 of occupancy. A certificate of occupancy shall be issued by the
 11 enforcing agency when all of the work covered by a *~~building~~*
 12 *construction* permit shall have been completed in accordance
 13 with the permit, the code, and other applicable laws and ordinances.
 14 On request of a holder of a *~~building~~* *construction* permit,
 15 the appropriate enforcing agency may issue a temporary certificate
 16 of occupancy for a building or structure, or part thereof,
 16a before the entire work covered by the *~~building~~* *construction*
 17 permit has been completed, if the part or parts of the building or
 18 structure to be covered by the certificate may be occupied prior
 19 to completion of all work in accordance with the permit, the code,
 20 and other applicable laws and ordinances, without endangering
 21 the health and safety of the occupants or users. When a building
 22 or structure is entitled thereto, the enforcing agency shall issue a
 23 certificate of occupancy within 10 business days after receipt of a
 24 written application therefor in accordance with regulations estab-
 25 lished by the commissioner on a form prescribed by the commis-
 26 sioner accompanied by payment of a fee to be established by the
 27 municipal governing body by ordinance in accordance with stan-
 28 dards established by the commissioner. The certificate of occupancy
 29 shall certify that the building or structure has been constructed in
 30 accordance with the provisions of the *~~building~~* *construction*
 31 permit, the code, and other applicable laws and ordinances.

1 ***[15.]*** *16.* Stay of proceedings. Neither an appeal to a
 2 **county,** municipal or joint construction board of appeals nor a
 3 departmental appeal nor an appeal to a court of competent juris-
 4 diction shall automatically stay any order to stop construction
 5 issued pursuant to this act or prevent the seeking of an order in a
 6 court of competent jurisdiction to enjoin the violation of a stop
 7 construction order.

1 ***[16.]*** *17.* Premanufactured systems. The commissioner
 2 shall by rules promulgated hereunder establish a procedure
 3 whereby premanufactured systems intended for use in the State
 4 may, if entitled thereto, be issued a certificate of acceptability by
 5 the department at its place of manufacture. The procedure shall
 6 include a requirement that the manufacturer submit to the depart-
 7 ment detailed plans and specifications for the premanufactured
 8 system for approval in compliance with the requirements of the
 8A code.

9 It may also include a requirement that the manufacturer submit
 10 to the department test results on the premanufactured system, or its
 11 components, or any other material or information that the depart-
 12 ment considers relevant, or one or more of the premanufactured
 13 systems for testing and evaluation. The procedure shall require
 14 that premanufactured systems be ***[periodically]*** inspected by
 15 the department or a qualified person selected by it, to determine
 16 that the premanufactured systems have been manufactured in
 17 accordance with the code and with the plans and specifications
 18 submitted to the department. Alternatively, the commissioner*,
 19 *after consultation with the code advisory board**, may require
 19A that each premanufactured system bear the approved label of
 20 a qualified body selected by the commissioner. Said body shall
 21 have such follow-up inspection services as are satisfactory to the
 22 commissioner and shall certify that the premanufactured system
 23 complies with the code and with the plans and specifications sub-
 24 mitted to the department. If an application for a ***[building]***
 25 *construction* permit specifying the use of a premanufactured
 26 system with a certificate of acceptability is submitted to an enforc-
 27 ing agency, and if the application complies in all respects with
 28 this act, the code and other applicable laws and ordinances, then
 29 the enforcing agency shall issue the ***[building]*** *construction*
 30 permit within the time specified in section ***[12]*** *13* hereof.
 30A At the time of installation, a premanufactured system with a
 31 certificate of acceptability shall be subject only to such non-
 32 destructive tests approved by the department as may be necessary
 33 to determine that it has not been damaged in transit or installation,

34 and that it has been installed in accordance with the applicable
 35 ***[building]*** **construction** permit and the code. The fees
 36 established and charged by an enforcing agency in connection with
 37 the granting of a ***[building]*** **construction** permit on the basis
 38 of an application therefor specifying the use of a premanufactured
 39 system with a certificate of acceptability, or in connection with the
 40 inspection of the installation of such systems, shall bear a reason-
 41 able relationship to the costs incurred by the enforcing agency in
 42 performing such acts.

1 ***[17.]*** **18.** Extension of reciprocity.

2 a. The commissioner*, *after consultation with the code advisory*
 3 *board,** is empowered to extend to and accept from any state, group
 4 of states, **or** the United States of America, ***[the Building**
 5 **Officials and Code Administrators International, Inc. or other**
 5A **such nationally recognized organization,]*** reciprocal recognition,
 6 certification or approval as enumerated in subsection b. of this
 7 section, provided such action is otherwise consistent with the basic
 8 purposes of this act and the code.

9 b. The commissioner*, *after consultation with the code advisory*
 10 *board,** is authorized to accept the findings of any other state,
 11 the Federal Government, ****[the Building Officials and Code**
 12 **Administrators International, Inc.*, American National Standards**
 13 **Institute,* or other such]**** **or** nationally recognized ****[orga-**
 14 **nization]**** **organizations**, in matters involving or related to
 15 the certification of premanufactured systems, assemblies, sub-
 16 systems, subassemblies and related materials; and the findings
 17 of any state or states, the United States, ****[the Building Officials**
 18 **and Code Administrators International, Inc.])**** or ****[other**
 19 **such]**** nationally recognized ****[organization]**** **organiza-*
 20 *tions** in the matters of the approval of products, plans, modes
 21 and techniques of construction and testing. The commissioner shall
 22 certify that such findings are in compliance with the code and
 23 this act.

1 ***[18.]*** **19.** ****[Inspection]**** **Review** of plans and speci-
 2 fications **and inspection of construction** by the department.
 3 At the request of an enforcing agency, the department **or an*
 4 *agency approved by the commissioner** may ****[agree to]**** assist
 5 an enforcing agency in the inspection of any construction of
 6 buildings or structures, provided that the enforcing agency has
 7 submitted the plans and specifications for such construction to the
 8 department **or such agency, as the case may be,** for review as
 9 to compliance with the code and this act. In such cases the com-

10 missioner shall provide by regulation for fees to the department
 11 to cover the cost of providing such services, to be borne ultimately
 12 by applicants for ***[building]*** **construction** permits. The com-
 13 missioner shall also provide for the readjustment of municipal
 14 fees in accordance with the cost of services performed.

1 ***[19.]*** **20.** Penalties.

2 a. Any person or corporation, including an officer, director or
 3 employee of a corporation, who:

4 (1) ***[Knowingly violates]*** **Violates** any of the provisions of
 5 this act or rules promulgated hereunder;

6 (2) ***[Knowingly constructs]*** **Constructs** a structure or
 7 building in violation of a condition of a building permit;

8 (3) ***[Knowingly fails]*** **Fails** to comply with any order issued
 9 by an enforcing agency or the department;

10 (4) ***[Knowingly makes]*** **Makes** a false or misleading written
 11 statement, or ****[knowingly]**** omits any required information
 12 or statement in any application or request for approval to an
 13 enforcing agency or the department.

14 Shall be subject to a penalty of not more than \$500.00.

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

19 c. With respect to subsection a. (3) of this section, a person shall
 20 be guilty of a separate offense for each day that he fails to comply
 21 with a stop construction order validly issued by an enforcing agency
 22 or the department and for each week that he fails to comply with
 23 any other order validly issued by an enforcing agency or the de-
 24 partment. With respect to subsections a. (1) and a. (4) of this
 25 section, a person shall be guilty of a separate offense for each
 26 ***[knowing]*** violation of any provision of this act or rules promul-
 27 gated hereunder and for each false or misleading written statement
 28 or omission of required information or statement ***[knowingly]***
 29 made in any application or request for approval to an enforcing
 30 agency or the department. With respect to subsection a. (2) of the
 31 section, a person shall be guilty of a separate offense for each
 32 ***[knowing]*** violation of the conditions of a ***[building]*** **con-*
 32A *struction** permit.

33 d. The penalties pursuant to this section may be collected in a
 34 summary proceeding pursuant to the "Penalty Enforcement Law"
 35 (N. J. S. 2A:58-1 et seq.). Jurisdiction to enforce such penalties is
 36 hereby conferred upon judges of the municipal court in addition

37 to the courts specified by N. J. S. 2A:58-2. Suit may be brought by
 38 a municipality or the State of New Jersey. Payment of a money
 39 judgment pursuant hereto shall be remitted in the case of a suit
 40 brought by a municipality to the municipal treasurer and in the
 41 case of a suit brought by the State of New Jersey to the State
 42 Treasurer.

1 ***[20.]*** *21.* Effect of the promulgation of the code. All construc-
 2 tion regulations incorporated in any act of the State of New Jersey,
 3 or of any municipality presently in effect, or validly promulgated or
 4 enacted by any board, department, commission or agency thereof
 5 shall continue in effect until such time as any such regulation is
 6 superseded by appropriate regulations promulgated pursuant to
 7 this act, at which time they shall be deemed repealed and super-
 8 seded, and of no further force and effect. A ***[building]*** **construc-*
 9 **tion** permit issued under valid construction regulations prior to the
 10 promulgation of the code shall remain valid, and the construction
 11 of any building or structure may be completed pursuant to and in
 12 accordance with said permit. The construction of any building or
 13 structure started before the promulgation of the code that did not
 14 as of the date of the beginning of the construction require a ***[build-**
 15 ***ing]*** **construction** permit may be completed without a ***[build-**
 16 ***ing]*** **construction** permit. Nothing contained in this act or the
 17 code shall be deemed to affect, repeal or invalidate local zoning
 18 ordinances **or the regulation or licensing of any trade or profession*
 19 **engaged in construction work**.

1 ***[21.]*** *22.* Partial invalidity; severability. If any clause,
 2 sentence, subdivision, paragraph, subsection or section of this act
 3 be adjudged unconstitutional or invalid, such judgment shall not
 4 affect, impair or invalidate the remainder thereof, but shall be
 5 confined in its operation to the clause, sentence, paragraph, sub-
 6 division, subsection or section thereof directly involved in the
 7 controversy in which said judgment shall have been rendered.

1 ***[22.]*** *23.* Interpretation of powers. The powers enumerated
 2 in this act shall be interpreted broadly to effectuate the purposes
 3 thereof.

1 ***[23.]*** *24.* Effective date. This act shall take effect 120 days
 2 from the date of approval thereof.

FROM THE OFFICE OF THE GOVERNOR

OCTOBER 7, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Tuesday a bill designed to reduce construction costs by standardizing building requirements.

The bill, A-1299, sponsored by Assemblyman Vincent Ozzie Pellechia, D-Passaic, establishes a statewide Uniform Construction Code.

The measure provides for the State Commissioner of Community Affairs to adopt a uniform construction code and various subcodes in accordance with nationally recognized models.

The statewide code would replace existing municipal codes, many of which are unduly restrictive or outdated.

The bill also is intended to improve the standards of code enforcement. It sets forth qualifications for local code enforcement officials, but it provides protection for those now holding office.

"This bill can save consumers \$2,000 on the cost of buying a home," said Byrne. "By bringing more houses within the reach of the home buyer, it could provide a stimulus to the home building industry in New Jersey."

The Governor said the measure will allow new techniques and new materials to be used in the construction industry.

He said a uniform code and uniform procedures at the local level also should help eliminate unnecessary delays in building new homes.

The Governor also signed into law S-1506, sponsored by Senator James P. Vreeland, Jr., R-Morris, which prescribes the procedure whereby solid waste management authorities may dissolve.
