

52:27D-121; 52:27D-123

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:27D-121; 52:27D-123

Laws of 1977 Chapter 221

(Uniform Construction Code--Periodic Amendment Of Code & Subcodes)

Bill No. S1345

Sponsor(s) Russo

Date Introduced April 12, 1976

Committee: Assembly Commerce, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage Yes  No

Date of passage: Assembly May 26, 1977

Senate Feb. 1, 1977

Date of approval Sept. 14, 1977

Following statements are attached if available:

Sponsor statement Yes  No

Committee Statement: Assembly Yes  No

Senate Yes  No

Fiscal Note Yes  No

Veto message Yes  No

Message on signing Yes  No

Following were printed:

Reports Yes  No

Hearings Yes  No

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CHAPTER 221 LAWS OF N. J. 1977  
APPROVED 9/14/77

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SENATE, No. 1345

STATE OF NEW JERSEY

INTRODUCED APRIL 12, 1976

By Senator RUSSO

Referred to Committee on Labor, Industry and Professions

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

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

1 \*1. Section 3 of P. L. 1975, c. 217 (C. 52:27D-121) is amended  
2 to read as follows:

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

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

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

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

17 "Commissioner" means the Commissioner of Community  
18 Affairs.

19 "Code" means the State Uniform Construction Code.

20 "Construction" means the construction, erection, reconstruction,  
21 alteration, conversion, demolition, removal, repair or equipping of  
22 buildings or 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.**

23 "Construction board of appeals" means the board provided for  
24 in section 9 of this act.

25 "Department" means the Department of Community Affairs.

26 "Enforcing agency" means the municipal construction official  
27 and subcode officials provided for in section 8 of this act and  
28 assistants thereto.

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

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

36 "Maintenance" means the replacement or mending of existing  
37 work with equivalent materials or the provision of additional work  
38 or material for the purpose of the safety, healthfulness, and up-  
39 keep of the structure and the adherence to such other standards  
40 of upkeep as are required in the interest of public safety, health  
40A and welfare.

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

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

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

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

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

61 "*State sponsored code change proposal*" means any proposed  
62 amendment or code change adopted by the commissioner in accord-  
63 ance with subsection c. of section 5 of this act for the purpose of

64 *presenting such proposed amendment or code change at any of the*  
 65 *periodic code change hearings held by the National Model Code*  
 66 *Adoption Agencies, the codes of which have been adopted as sub-*  
 67 *codes under this act.*

68 "Stop construction order" means the order provided for in  
 69 section 14 of this act.

70 "State Uniform Construction Code" means the code provided  
 71 for in section 5 of this act, or any portion thereof, and any modifica-  
 72 tion of or amendment thereto.

73 "Structure" means, exclusive of a public school facility, a com-  
 74 bination of materials to form a construction for occupancy, use,  
 75 or ornamentation whether installed on, above, or below the surface  
 76 of a parcel of land; provided, the word "structure" shall be  
 77 construed when used herein as though followed by the words "or  
 78 part or parts thereof and all equipment therein" unless the context  
 79 clearly requires a different meaning.\*

1 \***[1.]**\* \*2.\* Section 5 of P. L. 1975, c. 217 (C. 52:27D-123) is  
 2 amended to read as follows:

3 5. Adoption of a State Uniform Construction Code.

4 a. The commissioner shall after public hearing pursuant to  
 5 section 4 of the "Administrative Procedure Act," P. L. 1968, c. 410  
 6 (C. 52:14B-4) adopt\*\***[**, and shall establish procedures for the  
 7 *periodic amendment of,*]**\*\*** a State Uniform Construction Code  
 8 for the purpose of regulating the structural design, construction,  
 9 maintenance and use of buildings or structures to be erected and  
 10 alteration, renovation, rehabilitation, repair, maintenance, removal  
 11 or demolition of buildings or structures already erected. Prior to  
 12 the adoption of said code \*\***[or any amendment thereto]**\*\* the  
 13 commissioner shall consult with the code advisory board and other  
 14 departments, divisions, bureaus, boards, councils or other agencies  
 15 of State Government heretofore authorized to establish or  
 16 administer construction regulations.

17 Such prior consultations with departments, divisions, bureaus,  
 18 boards, councils, or other agencies of State Government shall in-  
 19 clude but not be limited to consultation with the Commissioner of  
 20 Health and the Public Health Council prior to adoption of a plumb-  
 21 ing subcode pursuant to paragraph b. of this section. Said code  
 22 shall include any code, rule or regulation incorporated therein by  
 23 reference.

24 b. The code shall be divided into subcodes which may be adopted  
 25 individually by the commissioner as he may from time to time  
 26 consider appropriate. Said subcodes shall include but not be limited  
 27 to a building code, a plumbing code, an electrical code, an energy

28 code, a fire prevention code, a mobile home code and mechanical  
29 code.

30 These **\*\*[State]\*\*** subcodes shall be adoptions **\*\*[in total or  
31 with such specific modifications as set forth in the subcode]\*\*** of  
32 the model codes of the Building Officials and Code Administrators  
33 International, Inc., the National Electrical Code, and the National  
34 Standard Plumbing Code, provided that for good reasons, the  
35 commissioner may adopt **[as] *\*\*as\*\**** a subcode**\*\*[, based in total  
36 or with such specific modifications as set forth in the subcode,]\*\***  
37 a model code ***\*\*\*or standard\*\*\**** of some other nationally recognized  
38 organization upon a finding that such model code ***\*\*\*or standard\*\*\****  
39 **\*\*[with or without specific modifications]\*\*** promotes the purposes  
40 of this act. The initial adoption of a model code ***\*\*\*or standard\*\*\****  
41 as a subcode shall constitute adoption of any subsequent revisions  
42 or amendments thereto **\*\*[except to the extent that such a revision  
43 or amendment is inconsistent with a specific modification set forth  
43A in the State subcode or any amendment thereto]\*\***.

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

49 *\*c. Any municipality through its construction official, and any  
50 State agency or political subdivision of the State may submit an  
51 application recommending to the commissioner that a State  
52 sponsored code change proposal be adopted. Such application shall  
53 contain such technical justification and shall be submitted in  
54 accordance with such rules of procedure as the commissioner may  
55 deem appropriate.*

56 *At least 45 days prior to the final date for the submission of  
57 amendments or code change proposals to the National Model Code  
58 Adoption Agency, the code of which has been adopted as a subcode  
59 under this act, the commissioner shall hold a public hearing in ac-  
60 cordance with the Administrative Procedures Act P. L. 1968, c. 410  
61 (C. 52:14B-1 et seq.), at which testimony on any application  
62 recommending a State sponsored code change proposal will be  
63 heard.*

64 *The commissioner shall maintain a file of such applications, which  
65 shall be made available to the public upon request and upon pay-  
66 ment of a fee to cover the cost of copying and mailing.*

67 *After public hearing, the code advisory board shall review any  
68 such applications and testimony and shall within 20 days of such  
69 hearing present its own recommendations to the commissioner.*

70     *The commissioner may adopt, reject or return such recommenda-*  
 71     *tions to the code advisory board for further deliberation. If*  
 72     *adopted, any such proposal shall be presented to the \*\*subsequent*  
 73     *meeting of the\*\* National Model Code Agency by the commissioner*  
 74     *or by persons designated by the commissioner as a State sponsored*  
 75     *code change proposal. Nothing herein, however, shall limit the*  
 76     *right of any municipality, the department, or any other person*  
 77     *from presenting amendments to the National Model Code Agency*  
 77A    *on its own initiative.*

78     *The commissioner may adopt further rules and regulations pur-*  
 79     *suant to this subsection and may modify the procedures herein*  
 80     *described when \*\*[such may be necessary in the interest of proper*  
 81     *and timely presentation of a State sponsored code change*  
 81A    *proposal.]\*\*\* \*\*a model code change hearing has been scheduled*  
 81B    *so as not to permit adequate time to meet such procedures.\*\**

82     \***[c.]**\* *\*d.\** The Department of Education shall annually update  
 83     its rules and regulations concerning public school facilities for the  
 84     purpose of, insofar as appropriate for such facilities making them  
 85     conform with the State Uniform Construction Code. Such updating  
 86     shall be undertaken in consultation with the commissioner. Within  
 87     3 years from the effective date of this act, the Department of  
 88     Education and commissioner shall submit to the Legislature reports  
 89     on the extent to which the Department of Education's rules and  
 90     regulations have been brought into conformity with the code, and  
 91     identifying problems still outstanding for purposes of applying  
 92     the provisions of the code to all public school facilities.

1     \***[2.]**\* *\*3.\** This act shall take effect immediately.

SENATE LABOR, INDUSTRY AND  
PROFESSIONS COMMITTEE

STATEMENT TO

**SENATE, No. 1345**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 13, 1976

Senate Bill No. 1345 amends the "State Uniform Construction Code Act" (N. J. S. A. 52:27D-119 et seq.) to provide a procedure for the periodic amendment of the code and its subcodes. Specifically, it would delegate to the Commissioner of the Department of Community Affairs the responsibility for promulgating such amendatory process.

The committee amended the bill to provide also a procedure whereby State sponsored proposed code changes in the National Model Code would be presented to the National Model Code Agency. These proposed recommendations could come from municipal or State officials, and once adopted by the commissioner, would have to be presented to the National Agency by the commissioner or his designee.

71940  
G61

FROM THE OFFICE OF THE GOVERNOR

SEPTEMBER 14, 1977

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

ANNE BURNS

Governor Brendan Byrne today signed into law <sup>S</sup>A-1345, sponsored by Senator John F. Russo, D-Ocean, which amends the State Uniform Construction Code Act. The bill provides a procedure by which the code and its subcodes may be amended.

It delegates the responsibility for establishing the rules and regulations governing the process to the Commissioner of Community Affairs.

The legislation does not allow amendments to be made individually to the subcodes. Amendments can be made only through the adoption of a model code or standard.

Any municipality, agency or political subdivisions of the state may submit an application to the Commissioner recommending that a state sponsored code change proposal be adopted. Following a public hearing, the Commissioner may adopt, reject, or return these recommendations to the Code Advisory Board for further deliberation.

If the recommendations are adopted, the proposal will be presented to the National Model Code Agency by the Commissioner or her designee.

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26 consider appropriate. Said subcodes shall include but not be limited  
27 to a building code, a plumbing code, an electrical code, an energy  
28 code, a fire prevention code, a mobile home code and mechanical  
29 code.

30 These *State* subcodes shall be adoptions *in total or with such*  
31 *specific modifications as set forth in the subcode* of the model codes  
32 of the Building Officials and Code Administrators International,  
33 Inc., the National Electrical Code, and the National Standard  
34 Plumbing Code, provided that for good reasons, the commissioner  
35 may adopt [as] a subcode, *based in total or with such specific*  
36 *modifications as set forth in the subcode*, a model code of some other  
37 nationally recognized organization upon a finding that such model  
38 code *with or without specific modifications* promotes the purposes  
39 of this act. The initial adoption of a model code as a subcode shall  
40 constitute adoption of any subsequent revisions or amendments  
41 thereto *except to the extent that such a revision or amendment is*  
42 *inconsistent with a specific modification set forth in the State sub-*  
43 *code or any amendment thereto.*

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

49 c. The Department of Education shall annually update its rules  
50 and regulations concerning public school facilities for the purpose  
51 of, insofar as appropriate for such facilities making them conform  
52 with the State Uniform Construction Code. Such updating shall be  
53 undertaken in consultation with the commissioner. Within 3 years  
54 from the effective date of this act, the Department of Education  
55 and commissioner shall submit to the Legislature reports on the  
56 extent to which the Department of Education's rules and regula-  
57 tions have been brought into conformity with the code, and identify-  
58 ing problems still outstanding for purposes of applying the pro-  
59 visions of the code to all public school facilities.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill amends the State Uniform Construction Code Act to provide for procedures for periodic amendment of the code and subcodes.