

52:27D-126

LEGISLATIVE HISTORY CHECKLIST

(Uniform Construction Code--establish tenure and other rights for certain municipal officials)

NJSA 52:27D-126

LAWS OF 1979

CHAPTER 394

Bill No. A3456

Sponsor(s) Pellecchia, Edwards and Girgenti

Date Introduced June 18, 1979

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage

Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 3, 1979

Senate Jan. 5, 1980

Date of approval Feb. 6, 1980

Following statements are attached if available:

Sponsor statement	Yes	xx
Committee Statement: Assembly	Yes	xx
Senate	Yes	No
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	xx
Hearings	Yes	xx

974.90 N.J. Legislature. Assembly. Municipal. Government Committee. 1980 The State Uniform Construction Code: report...January 3, 1980. Trenton, 1980.

974.90 N.J. Legislature. Assembly. Municipal Government Committee. 1979 Public hearing, held 2-14-79. Paterson, NJ, 1979. 9/1/78 (see pp.31-36)

(over)

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Nov 1980

References to need for enactment of A3456 also made in:

974.90 N.J. Legislature. Assembly. Municipal Government Committee.
B923 Public hearings, held 1-31-79 and 2-23-79.
1979

Bill No.	Author	Date introduced	Committee	Senate	Assembly	Date of approval	Following statements are attached to bill
B111	Senator [Name]	June 1, 1978	Municipal Government	Y	Y	Feb. 2, 1979	<input checked="" type="checkbox"/> Sponsor's statement <input checked="" type="checkbox"/> Committee Statement Assembly <input checked="" type="checkbox"/> Senate <input checked="" type="checkbox"/> Fiscal Note <input checked="" type="checkbox"/> Veto message <input checked="" type="checkbox"/> Reasons on which veto is based <input type="checkbox"/> Following were printed <input checked="" type="checkbox"/> Reports <input checked="" type="checkbox"/> Copies

5. Legislative Year by Legislative
 Oversight Committee.
 The Senate has a Constitution Committee
 report... January 3, 1979. Trenton, NJ.
 as by Municipal
 M-2-14-79. Trenton
 1979
 (see page 1)

394 79
2-6-80
REFERENCE USE ONLY

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3456

STATE OF NEW JERSEY

INTRODUCED JUNE 18, 1979

By Assemblymen PELLECCCHIA, EDWARDS and GIRGENTI

Referred to Committee on Municipal Government

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

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

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

3 8. Administration and enforcement.

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

13 b. To establish tenure rights or any other right or protection
14 provided by the "State Uniform Construction Code Act" or Title
15 11 of the Revised Statutes, Civil Service, or any pension law or
16 retirement system, the job title "construction official" shall be
17 equivalent to that job title which, prior to the effective date of the
18 "State Uniform Construction Code Act," entailed the chief admin-
19 istrative responsibility to enforce all municipal construction codes,
20 the enforcement of which was not the responsibility of an author-
21 ized private inspection agency; and the job title "subcode official"
22 shall be equivalent to that job title which, prior to the effective
23 date of the "State Uniform Construction Code Act," entailed
24 subordinate administrative responsibility to enforce one or more
25 of the following: building, plumbing, electrical or fire codes.

26 Any person*, in a municipality operating under Title 11 of the
27 Revised Statutes,* who prior to the effective date of the "State

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

28 *Uniform Construction Code Act*” held the equivalent of the job
 29 title “construction” official or “subcode” official, but who no longer
 30 holds his position as a result of a determination that his old job
 31 title was not equivalent to that of “construction” official or “sub-
 32 code” official, shall be offered reappointment as a construction
 33 official or subcode official, as the case may be, and shall be granted
 33A ***[tenure]*** *permanent classified status* in such position.

34 **[A municipal construction official and any subcode official shall**
 35 **be appointed for a term of 4 years, provided, however, that tenure]**
 36 *Tenure* shall continue for (1) any construction official or subcode
 37 official who is serving under tenure as otherwise provided by law on
 38 the effective date of this act or within 1 year thereafter, or (2) any
 39 person certified pursuant to subsection c. of this section and who
 40 subsequently gains such tenure. **[Nothing in this section shall affect**
 41 **the civil service status of any construction or subcode official who**
 42 **at the effective date of this act or subsequently comes under the**
 43 **provisions of Title 11 of the Revised Statutes]** *A construction*
 44 *official or subcode official appointed in a municipality operating*
 45 *under the provisions of Title 11 of the Revised Statutes, ***[Civil***
 46 *Service,]* and who at the time of adoption of the “Uniform Con-
 47 *struction Code Act*” had permanent classified status, or was
 48 *employed in the unclassified service, ***[or who was thereafter ap-***
 49 *pointed to the position of construction official or subcode official,]*
 50 *shall be included in the classified civil service and shall have ***[ten-***
 51 *ure and]* all rights provided by that classification. No person*, on
 51A *or after the effective date of this amendatory act,* shall be*
 52 *appointed as construction or subcode official in a municipality*
 53 *operating under Title 11 of the Revised Statutes without having*
 54 *passed an examination administered by the Civil Service Com-*
 55 *mission certifying the merit and fitness of the person to hold such*
 56 *position***[. When]*** *; provided that, whenever* a noncivil service*
 57 *municipality adopts ***[civil service pursuant to Title 11 of the***
 58 *Revised Statutes]* *the provisions of that Title*, construction code
 59 *officials and subcode officials *of such municipality appointed prior*
 60 *to the filing of the petition for the adoption of civil service,* shall*
 60A *attain permanent status in the classified service *without examina-*
 60B *tion*. A construction official or subcode official in a noncivil service*
 61 *municipality shall be appointed for a term of 4 years and shall upon*
 62 ****[the completion of the two consecutive terms]*** *appointment to*
 62A *a second consecutive term or on or after the commencement of a*
 62B *fifth consecutive year of service including years of service in an*
 62C *equivalent job title held prior to the enactment of the “State Uni-*
 63 *form Construction Code Act,”* be granted tenure and shall not be*****

63A removed from office except for just cause after a fair and impar-
63B tial hearing.

64 A construction or subcode official, to be eligible for appointment
65 in civil service or noncivil service municipalities, shall be certified
66 by the State of New Jersey in accordance with subsection c. of
67 this section and shall have had at least 3 years experience in con-
68 struction, design or supervision as a licensed engineer or registered
69 architect; or 5 years experience in construction design, or super-
70 vision as an architect or engineer with a bachelor's degree from
71 an accredited institution of higher education; or 10 years experi-
72 ence in construction, design or supervision as a journeyman in a
73 trade or as a contractor. A subcode official shall, pursuant to any
74 subcode which he administers, pass upon: (1) matters relative to
75 the mode, manner of construction or materials to be used in the
76 erection or alteration of buildings or structures, except as to any
77 such matter foreclosed by State approval pursuant to this act, and
78 (2) actual execution of the approved plans and the installation
79 of the materials approved by the State. The construction official
80 in each municipality shall be the chief administrator of the "en-
81 forcing agency." He shall have the power to overrule a determi-
82 nation of a subcode official based on an interpretation of a sub-
83 stantive provision of the subcode which such subcode official
84 administers only if the construction official is qualified to act pur-
85 suant to this act as a subcode official for such subcode. He may
86 serve as subcode official for any subcode which he is qualified under
87 this act to administer. A subcode official or municipal engineer
88 may serve as a construction official if otherwise qualified under
89 the provisions of this act. The municipal enforcing agency shall
90 require compliance with the provisions of the code, of all rules
91 lawfully adopted and promulgated thereunder and of laws relating
92 to the construction, alteration, repair, removal, demolition and
93 integral equipment and location, occupancy and maintenance of
94 buildings and structures, except as may be otherwise provided for.

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

99 c. No person shall act as a construction official or subcode official
100 for any municipality unless the commissioner determines that said
101 person is so qualified except for the following: (1) a municipal
102 construction official or subcode official holding office under perma-
103 nent civil service status, or tenure as otherwise provided by law on
104 the effective date of this act or within 1 year thereafter and (2) a
105 municipal construction official or subcode official holding office

106 without such permanent civil service status or tenure on the effec-
107 tive date of this act or within 1 year thereafter; provided said
108 construction official or subcode official not having such permanent
109 civil service status or tenure shall be certified in accordance with
110 this act within 4 years of the effective date thereof provided further
111 that a person holding on the effective date of this act a valid
112 plumbing inspector's license from the Department of Health pur-
113 suant to Title 26 of the Revised Statutes may serve as a plumbing
114 subcode official and a person holding on the effective date of this
115 act a valid electrical inspector's license from the Board of Public
116 Utility Commissioners pursuant to Title 48 of the Revised Statutes
117 may serve as an electrical subcode official. The commissioner, after
118 consultation with the code advisory board, may authorize the
119 preparation and conducting of oral, written and practical examina-
120 tions to determine if a person is qualified by this act to be eligible
121 to be a construction official or subcode official or, in the alternative,
122 may accept successful completion of programs of training as proof
123 of qualification within the meaning of this act. Upon a determina-
124 tion of qualification the commissioner shall issue or cause to be
125 issued a certificate to the construction official or subcode official or
126 trainee stating that he is so certified. The commissioner, after con-
127 sultation with the code advisory board, may establish classes of
128 certification that will recognize the varying complexities of code
129 enforcement in the municipalities within the State. The commis-
130 sioner shall after consultation with the code advisory board, pro-
131 vide for educational programs designed to train and assist con-
132 struction officials and subcode officials in carrying out their
133 responsibilities.

134 Whenever the commissioner is required by the terms of this sub-
135 section to consult with the code advisory board and the matter in
136 question concerns plumbing subcode officials, the commissioner shall
137 also consult with the Public Health Council and Commissioner of
138 Health.

139 d. The commissioner, after consultation with the code advisory
140 board, may periodically require that each construction official and
141 subcode official demonstrate a working knowledge of innovations in
142 construction technology and materials, recent changes in and addi-
143 tions to the relevant portions of the State Uniform Construction
144 Code, and current standards of professional ethics and legal
145 responsibility; or, in the alternative, the commissioner, after con-
146 sultation with the code advisory board, may accept successful
147 completion of appropriate programs of training as proof of such
148 working knowledge.

149 2. This act shall take effect immediately.

ASSEMBLY, No. 3456

STATE OF NEW JERSEY

INTRODUCED JUNE 18, 1979

By Assemblymen PELLECCCHIA, EDWARDS and GIRGENTI

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

13 b. To establish tenure rights or any other right or protection
14 provided by the "State Uniform Construction Code Act" or Title
15 11 of the Revised Statutes, Civil Service, or any pension law or
16 retirement system, the job title "construction official" shall be
17 equivalent to that job title which, prior to the effective date of the
18 "State Uniform Construction Code Act," entailed the chief admin-
19 istrative responsibility to enforce all municipal construction codes,
20 the enforcement of which was not the responsibility of an author-
21 ized private inspection agency; and the job title "subcode official"
22 shall be equivalent to that job title which, prior to the effective
23 date of the "State Uniform Construction Code Act," entailed
24 subordinate administrative responsibility to enforce one or more
25 of the following: building, plumbing, electrical or fire codes.

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

26 *Any person who prior to the effective date of the "State Uniform*
 27 *Construction Code Act" held the equivalent of the job title "con-*
 28 *struction" official or "subcode" official, but who no longer holds*
 29 *his position as a result of a determination that his old job title was*
 30 *not equivalent to that of "construction" official or "subcode"*
 31 *official, shall be offered reappointment as a construction official or*
 32 *subcode official, as the case may be, and shall be granted tenure in*
 33 *such position.*

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 35 **be appointed for a term of 4 years, provided, however, that tenure]**
 36 *Tenure shall continue for (1) any construction official or subcode*
 37 *official who is serving under tenure as otherwise provided by law on*
 38 *the effective date of this act or within 1 year thereafter, or (2) any*
 39 *person certified pursuant to subsection c. of this section and who*
 40 *subsequently gains such tenure. [Nothing in this section shall affect*
 41 *the civil service status of any construction or subcode official who*
 42 *at the effective date of this act or subsequently comes under the*
 43 *provisions of Title 11 of the Revised Statutes] A construction*
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 48 *employed in the unclassified service, or who was thereafter ap-*
 49 *pointed to the position of construction official or subcode official,*
 50 *shall be included in the classified civil service and shall have tenure*
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 52 *appointed as construction or subcode official in a municipality*
 53 *operating under Title 11 of the Revised Statutes without having*
 54 *passed an examination administered by the Civil Service Com-*
 55 *mission certifying the merit and fitness of the person to hold such*
 56 *position. When a noncivil service municipality adopts civil service*
 57 *pursuant to Title 11 of the Revised Statutes, construction code*
 58 *officials and subcode officials shall attain permanent status in the*
 59 *classified service. A construction official or subcode official in a non-*
 60 *civil service municipality shall be appointed for a term of 4 years*
 61 *and shall upon the completion of the two consecutive terms be*
 62 *granted tenure and shall not be removed from office except for just*
 63 *cause after a fair and impartial hearing.*

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 65 in civil service or noncivil service municipalities, shall be certified
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 67 this section and shall have had at least 3 years experience in con-
 68 struction, design or supervision as a licensed engineer or registered

69 architect; or 5 years experience in construction design, or super-
70 vision as an architect or engineer with a bachelor's degree from
71 an accredited institution of higher education; or 10 years experi-
72 ence in construction, design or supervision as a journeyman in a
73 trade or as a contractor. A subcode official shall, pursuant to any
74 subcode which he administers, pass upon: (1) matters relative to
75 the mode, manner of construction or materials to be used in the
76 erection or alteration of buildings or structures, except as to any
77 such matter foreclosed by State approval pursuant to this act, and
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85 suant to this act as a subcode official for such subcode. He may
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92 to the construction, alteration, repair, removal, demolition and
93 integral equipment and location, occupancy and maintenance of
94 buildings and structures, except as may be otherwise provided for.

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

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100 for any municipality unless the commissioner determines that said
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104 the effective date of this act or within 1 year thereafter and (2) a
105 municipal construction official or subcode official holding office
106 without such permanent civil service status or tenure on the effec-
107 tive date of this act or within 1 year thereafter; provided said
108 construction official or subcode official not having such permanent
109 civil service status or tenure shall be certified in accordance with
110 this act within 4 years of the effective date thereof provided further

111 that a person holding on the effective date of this act a valid
112 plumbing inspector's license from the Department of Health pur-
113 suant to Title 26 of the Revised Statutes may serve as a plumbing
114 subcode official and a person holding on the effective date of this
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122 may accept successful completion of programs of training as proof
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124 tion of qualification the commissioner shall issue or cause to be
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128 certification that will recognize the varying complexities of code
129 enforcement in the municipalities within the State. The commis-
130 sioner shall after consultation with the code advisory board, pro-
131 vide for educational programs designed to train and assist con-
132 struction officials and subcode officials in carrying out their
133 responsibilities.

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136 question concerns plumbing subcode officials, the commissioner shall
137 also consult with the Public Health Council and Commissioner of
138 Health.

139 d. The commissioner, after consultation with the code advisory
140 board, may periodically require that each construction official and
141 subcode official demonstrate a working knowledge of innovations in
142 construction technology and materials, recent changes in and addi-
143 tions to the relevant portions of the State Uniform Construction
144 Code, and current standards of professional ethics and legal
145 responsibility; or, in the alternative, the commissioner, after con-
146 sultation with the code advisory board, may accept successful
147 completion of appropriate programs of training as proof of such
148 working knowledge.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to clarify tenure and other rights of certain municipal officials performing responsibilities under the "State Uniform Construction Code Act." This purpose is achieved by defining "construction official" and "subcode official" in terms of equivalent positions which existed prior to the enactment of the "State Uniform Construction Code Act." The bill also clarifies that construction and subcode officials in civil service municipalities should be in the classified civil service; construction and subcode officials in all other municipalities shall be appointed for 4 year terms with tenure being conferred after completion of the second consecutive term. These changes are in keeping with the basic intent of the original legislation.

A. 3456 (1979)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3456

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 1979

This bill clarifies tenure and other rights of construction and subcode officials under the "State Uniform Construction Code Act" in the following manner:

1. Defines "construction official and subcode official" in terms of equivalent positions which existed prior to the enactment of the "State Uniform Construction Code Act."

2. Specifies that construction and subcode officials in civil service municipalities shall be in the classified service.

3. Specifies that construction and subcode officials in noncivil service municipalities shall be appointed to 4-year terms with tenure being conferred upon appointment to a second consecutive term or, on or after the commencement of a fifth consecutive year of service including years of service in an equivalent job title held prior to the enactment of the "State Uniform Construction Code Act."

4. Specifies that persons in civil service municipalities, dismissed because their job title was not equivalent to that of construction or subcode officials, shall be offered reappointment as construction or subcode official, as the case may be, and granted tenure in the classified civil service.

This bill is in response to two rulings by the Department of Civil Service: a. That construction and subcode officials could not establish tenure on the basis of years of experience gained prior to the enactment of the "State Uniform Construction Code Act" because that law failed to define the job titles "construction" official and "subcode" official in terms of equivalent positions which existed prior to the enactment of the law.

b. That no construction or subcode official could be included in the classified civil service because the law established a 4-year term for such positions; fixed terms are legally incompatible with classified positions.

The sponsor of this bill, who was the prime sponsor of the "State Uniform Construction Code Act," and the Department of Community Affairs hold that these rulings are contrary to the intent of the initial enactment.

It is the opinion of the sponsor, with the committee concurring, that the amendments contained in this bill are in keeping with the basic intent of the Uniform Construction Code Act.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 3456
[TYPED BILL]

STATE OF NEW JERSEY

ADOPTED JUNE 21, 1979

Amend page 2, section 1, line 26, after "person", insert ", in a municipality operating under Title 11 of the Revised Statutes,".

Amend page 2, section 1, line 32, omit "tenure", insert "permanent classified status".

Amend page 2, section 1, lines 45-46, omit "Civil Service,".

Amend page 2, section 1, lines 48-49, omit "or who was thereafter appointed to the position of construction official or subcode official,".

Amend page 2, section 1, lines 50-51, omit "tenure and".

Amend page 2, section 1, line 51, after "person", insert ", on or after the effective date of this amendatory act,".

Amend page 2, section 1, line 56, omit ". When". insert "; provided that, whenever".

Amend page 2, section 1, lines 56-57, omit "civil service pursuant to Title 11 of the Revised Statutes", insert "the provisions of that Title".

Amend page 2, section 1, line 58, after "subcode officials", insert "of such municipality appointed prior to the filing of the petition for the adoption of civil service,".

Amend page 2, section 1, line 59, after "service", insert "without examination".

Amend page 2, section 1, line 61, omit "the completion of the two consecutive terms", insert "appointment to a second consecutive term on or after the commencement of a fifth consecutive year of service including years of service in an equivalent job title held prior to the enactment of the 'State Uniform Construction Code Act,' "

FEBRUARY 6, 1980

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In addition, the bill streamlines the procedure for collecting all criminal fines.

Formerly, the Probation Department collected most fines, including fines imposed on parolees. This bill provides that the Probation Department will collect from probationers, the Parole Bureau will collect from parolees and the Municipal Court clerks will collect from defendants in that court, except when they are placed on probation, in which case the Probation Department will collect.

The bill provides for the distribution of the criminal fines as follows:

- Fines imposed by the municipal court go to the municipality;
- Fines imposed by the upper court go to the counties in cases where the defendant serves a custodial sentence in county jails;
- All other fines to the State.

S-3415, sponsored by Senator Wynona M. Lipman (D-Essex), which provides that in the month of March the Commissioner of Registration shall arrange for voter registration in all high schools.

Under the former law, the Commissioner of Registration or the County Board of Election was required to conduct a voter registration drive in all high schools on or before the last day of classes.

The bill also requires the Commissioner of Registration to file a report on the results of the drive with the Department of State.

A-3456, sponsored by Assemblyman Vincent Ozzie Pellecchia (D-Passaic), which establishes tenure and other rights of certain municipal officials performing responsibilities under the "State Uniform Construction Code Act."

#