

52:27D-126

LEGISLATIVE HISTORY CHECKLIST

(State Uniform Construction Code Act - Amendments)

NJSA 52:27D-126

LAWS 1981 CHAPTER 469

Bill No. A3171

Sponsor(s) Pellecchia and Girgenti

Date Introduced February 23, 1981

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes ~~No~~

Amendments during passage denoted by asterisks

Date of Passage: Assembly June 11, 1981

Senate Nov. 12, 1981

Date of approval Jan. 12, 1982

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~~

Public hearings, referred to in statements:

974.90 N.J. Legislature, Assembly. Municipal Government Committee.
B923 Public hearing, held 2-14-79. Paterson, N.J., 1979 and 2-23-79,
1979 Ocean City, N.J. See especially vol. 2

974.90 N.J. Legislature. Assembly. Municipal Government Committee.
B923 The State Uniform Construction Code. report...Jan. 3, 1980. Trenton, 1980.
1980

6/22/81

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ASSEMBLY, No. 3171

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Assemblymen PELLECCCHIA 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. 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 adoption of the State Uniform Construction Code as provided in
19 section 5 of the "State Uniform Construction Code Act," entailed
20 the chief administrative responsibility to enforce all [municipal]
21 construction codes, which had been adopted by the municipal gov-
22 erning body the enforcement of which was not the responsibility
23 of an authorized private inspection agency; and the job title
24 "subcode official" shall be equivalent to that job title which, prior

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

25 to the [effective date of the “State Uniform Construction Code
 26 Act,”] *adoption of the State Uniform Construction Code* entailed
 27 subordinate administrative responsibility to enforce one or more
 28 of the following *Construction codes*: building, plumbing, electrical
 29 or fire codes.

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

44 ***[A construction official or subcode official **[appointed]**]
 45 ***serving*** in a municipality operating under the provisions of
 46 Title 11 of the Revised Statutes, [and] who at ***[the time of adop-
 47 tion of the]** **any time prior to February 6, 1980 was appointed,
 47A employed or placed in the classified service or in any category of the
 47B unclassified service*** [“Uniform Construction Code Act”] ***[State
 47C Uniform Construction Code or *any time thereafter until the
 48 effective date of this amendatory act]* **prior to February 6,
 49 1980** had permanent classified status, or was employed in the
 50 unclassified service]**, shall be included in the classified civil
 51 service and shall have all rights provided by that classification.
 52 *Any individual employed by a municipality, who in his em-
 53 ployment with the municipality at that time issued cons-
 54 truction permits or certificates of occupancy, shall be deemed as
 55 appointed to the position of construction official for the purposes of
 56 this amendatory act.]*** ***A construction official or subcode
 56A official appointed in a municipality operating under the provisions
 56B of Title 11 of the Revised Statutes who at the time of adoption of
 56C the State Uniform Construction Code, January 1, 1977, or prior to
 56D February 6, 1980 had permanent classified status or was employed
 56E as a construction official or subcode official or in another position
 56F in the unclassified service, shall be included in the classified service
 56G without civil service examination in his respective title of construc-
 56H ton official or subcode official. Any individual employed by a*

56I *municipality who in his employment with the municipality between*
 56J *January 1, 1977 and prior to February 6, 1980 was charged with*
 56K *the chief administrative responsibility to enforce all existing*
 56L *municipal construction codes, shall be deemed as appointed to the*
 56M *position of construction official for the purposes of this act. Any*
 56N *individual employed by a municipality who in his employment with*
 56O *the municipality between January 1, 1977 and prior to February*
 56P *6, 1980 was charged with chief responsibility to enforce the munici-*
 56Q *pal building, plumbing, fire, or electrical code shall be deemed as*
 56R *appointed to the position of subcode official for the purposes of*
 56S *this act.*** No person, on or after [the effective date of this*
 57 *amendatory act] February 6, 1980, shall be appointed as con-*
 58 *struction or subcode official in a municipality operating under Title*
 59 *11 of the Revised Statutes without having passed an examination*
 60 *administered by the Civil Service Commission certifying the merit*
 61 *and fitness of the person to hold such position; provided that, when-*
 62 *ever a noncivil service municipality adopts the provisions of that*
 63 *Title, construction code officials and subcode officials of such munici-*
 64 *pality appointed prior to the filing of the petition for the adoption*
 65 *of civil service, shall attain permanent status in the classified*
 66 *service without examination. * [When a construction or subcode*
 67 *official receives a provisional appointment in a municipality operat-*
 68 *ing under Title 11 of the Revised Statutes, the official shall not be*
 69 *removed from office except for just cause after a fair and impartial*
 70 *hearing has been held, unless the removal is necessary] * Any con-*
 71 *struction or subcode official appointed after February 6, 1980 on a*
 72 *provisional basis in a municipality which has adopted the provisions*
 72A *of Title 11 of the Revised Statutes may not be removed from office*
 72B *except for just cause after a fair and impartial hearing has been*
 72C *held ***at the local level with no further appeal to the Civil Service*
 72D *Commission***; provided, however, that such a construction or sub-*
 72E *code official may be removed* to permit the appointment of*
 72F ** [another] * a* person certified for appointment by the Civil*
 72G *Service Commission.*

73 A construction official or subcode official in a noncivil service
 74 municipality shall be appointed for a term of 4 years and shall
 75 upon appointment to a second consecutive term or on or after
 76 the commencement of a fifth consecutive year of service including
 77 years of service in an equivalent job title held prior to the [enact-
 78 ment of the "State Uniform Construction Code Act,"] adoption
 79 of the *State Uniform Construction Code* be granted tenure and
 80 shall not be removed from office except for just cause after a fair
 81 and impartial hearing.

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

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

117 c. No person shall act as a construction official or subcode official
118 for any municipality unless the commissioner determines that said
119 person is so qualified except for the following: (1) a municipal
120 construction official or subcode official holding office under perma-
121 nent civil service status, or tenure as otherwise provided by law on
122 the effective date of this act or within 1 year thereafter and (2) a
123 municipal construction official or subcode official holding office
124 without such permanent civil service status or tenure on the effec-

125 tive date of this act or within 1 year thereafter; provided said
 126 construction official or subcode official not having such permanent
 127 civil service status or tenure shall be certified in accordance with
 128 this act within 4 years of the effective date thereof provided further
 129 that a person holding on the effective date of this act a valid
 130 plumbing inspector's license from the Department of Health pur-
 131 suant to Title 26 of the Revised Statutes may serve as a plumbing
 132 subcode official and a person holding on the effective date of this
 133 act a valid electrical inspector's license from the Board of Public
 134 ***[Utility Commissioners]*** ***Utilities*** pursuant to Title
 135 48 of the Revised Statutes may serve as an electrical subcode official.
 136 The commissioner, after consultation with the code advisory board,
 137 may authorize the preparation and conducting of oral, written and
 138 practical examinations to determine if a person is qualified by this
 139 act to be eligible to be a construction official or subcode official or,
 140 in the alternative, may accept successful completion of programs of
 141 training as proof of qualification within the meaning of this act.
 142 Upon a determination of qualification the commissioner shall issue
 143 or cause to be issued a certificate to the construction official or
 144 subcode official or trainee stating that he is so certified. The com-
 145 missioner, after consultation with the code advisory board, may
 146 establish classes of certification that will recognize the varying
 147 complexities of code enforcement in the municipalities within the
 148 State. The commissioner shall after consultation with the code
 149 advisory board, provide for educational programs designed to train
 150 and assist construction officials and subcode officials in carrying out
 151 their responsibilities.

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

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

1 2. This act shall take effect immediately.

ASSEMBLY, No. 3171

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Assemblymen PELLECCCHIA 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:*

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2 read as follows:

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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 *adoption of the State Uniform Construction Code as provided in*
19 *section 5 of the "State Uniform Construction Code Act,"* entailed
20 the chief administrative responsibility to enforce all [municipal]
21 construction codes, *which had been adopted by the municipal gov-*
22 *erning body* the enforcement of which was not the responsibility
23 of an authorized private inspection agency; and the job title
24 "subcode official" shall be equivalent to that job title which, prior
25 to the [effective date of the "State Uniform Construction Code
26 Act,"] *adoption of the State Uniform Construction Code* entailed
27 subordinate administrative responsibility to enforce one or more

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 of the following *Construction codes*: building, plumbing, electrical
29 or fire codes.

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

44 A construction official or subcode official appointed in a munici-
45 pality operating under the provisions of Title 11 of the Revised
46 Statutes, [and] who at the time of adoption of the ["Uniform
47 Construction Code Act"] *State Uniform Construction Code or*
48 *anytime thereafter until the effective date of this amendatory act*
49 had permanent classified status, or was employed in the unclassified
50 service, shall be included in the classified civil service and shall
51 have all rights provided by that classification. *Any individual*
52 *employed by a municipality, who in his employment with the muni-*
53 *cipality at that time issued construction permits or certificates of*
54 *occupancy, shall be deemed as appointed to the position of con-*
55 *struction official for the purposes of this amendatory act.* No per-
56 son, on or after [the effective date of this amendatory act]
57 *February 6, 1980*, shall be appointed as construction or subcode
58 official in a municipality operating under Title 11 of the Revised
59 Statutes without having passed an examination administered by
60 the Civil Service Commission certifying the merit and fitness of
61 the person to hold such position; provided that, whenever a non-
62 civil service municipality adopts the provisions of that Title, con-
63 struction code officials and subcode officials of such municipality
64 appointed prior to the filing of the petition for the adoption of
65 civil service, shall attain permanent status in the classified service
66 without examination. *When a construction or subcode official re-*
67 *ceives a provisional appointment in a municipality operating under*
68 *Title 11 of the Revised Statutes, the official shall not be removed*
69 *from office except for just cause after a fair and impartial hearing*
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71 *appointment of another person certified for appointment by the*
72 *Civil Service Commission.*

73 A construction official or subcode official in a noncivil service
74 municipality shall be appointed for a term of 4 years and shall
75 upon appointment to a second consecutive term or on or after
76 the commencement of a fifth consecutive year of service including
77 years of service in an equivalent job title held prior to the [enact-
78 ment of the "State Uniform Construction Code Act,"] *adoption*
79 *of the State Uniform Construction Code* be granted tenure and
80 shall not be removed from office except for just cause after a fair
81 and impartial hearing.

82 A construction or subcode official, to be eligible for appointment
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85 this section and shall have had at least 3 years experience in con-
86 struction, design or supervision as a licensed engineer or registered
87 architect; or 5 years experience in construction design, or super-
88 vision as an architect or engineer with a bachelor's degree from
89 an accredited institution of higher education; or 10 years experi-
90 ence in construction, design or supervision as a journeyman in a
91 trade or as a contractor. A subcode official shall, pursuant to any
92 subcode which he administers, pass upon: (1) matters relative to
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94 erection or alteration of buildings or structures, except as to any
95 such matter foreclosed by State approval pursuant to this act, and
96 (2) actual execution of the approved plans and the installation
97 of the materials approved by the State. The construction official
98 in each municipality shall be the chief administrator of the "en-
99 forcing agency." He shall have the power to overrule a determi-
100 nation of a subcode official based on an interpretation of a sub-
101 stantive provision of the subcode which such subcode official
102 administers only if the construction official is qualified to act pur-
103 suant to this act as a subcode official for such subcode. He may
104 serve as subcode official for any subcode which he is qualified under
105 this act to administer. A subcode official or municipal engineer
106 may serve as a construction official if otherwise qualified under
107 the provisions of this act. The municipal enforcing agency shall
108 require compliance with the provisions of the code, of all rules
109 lawfully adopted and promulgated thereunder and of laws relating
110 to the construction, alteration, repair, removal, demolition and
111 integral equipment and location, occupancy and maintenance of
112 buildings and structures, except as may be otherwise provided for.

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

117 e. No person shall act as a construction official or subcode official
118 for any municipality unless the commissioner determines that said
119 person is so qualified except for the following: (1) a municipal
120 construction official or subcode official holding office under perma-
121 nent civil service status, or tenure as otherwise provided by law on
122 the effective date of this act or within 1 year thereafter and (2) a
123 municipal construction official or subcode official holding office
124 without such permanent civil service status or tenure on the effec-
125 tive date of this act or within 1 year thereafter; provided said
126 construction official or subcode official not having such permanent
127 civil service status or tenure shall be certified in accordance with
128 this act within 4 years of the effective date thereof provided further
129 that a person holding on the effective date of this act a valid
130 plumbing inspector's license from the Department of Health pur-
131 suant to Title 26 of the Revised Statutes may serve as a plumbing
132 subcode official and a person holding on the effective date of this
133 act a valid electrical inspector's license from the Board of Public
134 Utility Commissioners pursuant to Title 48 of the Revised Statutes
135 may serve as an electrical subcode official. The commissioner, after
136 consultation with the code advisory board, may authorize the
137 preparation and conducting of oral, written and practical examina-
138 tions to determine if a person is qualified by this act to be eligible
139 to be a construction official or subcode official or, in the alternative,
140 may accept successful completion of programs of training as proof
141 of qualification within the meaning of this act. Upon a determina-
142 tion of qualification the commissioner shall issue or cause to be
143 issued a certificate to the construction official or subcode official or
144 trainee stating that he is so certified. The commissioner, after con-
145 sultation with the code advisory board, may establish classes of
146 certification that will recognize the varying complexities of code
147 enforcement in the municipalities within the State. The commis-
148 sioner shall after consultation with the code advisory board, pro-
149 vide for educational programs designed to train and assist con-
150 struction officials and subcode officials in carrying out their
151 responsibilities.

152 Whenever the commissioner is required by the terms of this sub-
153 section to consult with the code advisory board and the matter in
154 question concerns plumbing subcode officials, the commissioner shall

155 also consult with the Public Health Council and Commissioner of
156 Health.

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

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to amend section 8 (C. 52:27D-126) of the "State Uniform Construction Code Act" (P. L. 1975, c. 217) to clarify certain problems which have arisen concerning the tenure, educational and licensing requirements and job security of construction and subcode officials employed by municipalities before the effective date of the law and before the adoption of the State Uniform Construction Code as mandated by that law.

The bill provides that any construction or subcode official appointed prior to the adoption of the code shall be treated as subcode or construction officials hired before the adoption of the law. It further provides tenure rights to individuals acting as construction officials in municipalities which had adopted the provisions of Title 11 of the Revised Statutes, but who were either serving in the unclassified service, or who had not been formally appointed to that position prior to the effective date of the construction code.

The bill also addresses a recent superior court decision which held that construction and subcode officials serving on a provisional basis in civil service municipalities prior to the adoption of both the law and the code may be removed from office without cause or hearing. The bill stipulates that such officials may not be removed from office without just cause or hearing except to permit the appointment of another person certified by civil service for the position.

The provisions of the bill were suggested by the Assembly Municipal Government Committee which held public hearings on the "State Uniform Construction Act" and by the Department of Community Affairs which is charged with administering the law.

A3171 (1981)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3171

STATE OF NEW JERSEY

DATED: MARCH 2, 1981

The purpose of this bill is to amend section 8 (C. 52:27D-126) of the "State Uniform Construction Act" (P. L. 1975, c. 217) to remedy certain problems which have arisen concerning the status of construction and subcode officials employed by civil service municipalities since the adoption of the State Uniform Construction Code authorized by the law.

It was the intent of the "State Uniform Construction Act" to insure that construction and subcode officials appointed prior to the adoption of the code in civil service municipalities would retain their classified status despite the adoption of Statewide licensing requirements and uniform educational and testing standards. Since that time problems have arisen concerning the status of such officials. The law was amended in 1980 to attempt to rectify several difficulties which arose during the transition to a Statewide system. This bill is designed to address additional problems which have arisen since that date.

The bill, as amended by the committee, provides that any construction or subcode official hired before February 6, 1980 (the date the law was last amended) in a civil service municipality shall be considered a member of the classified service. It further provides that any person hired by a civil service municipality before February 6, 1980 who issued construction permits or certificates of occupancy shall be treated as a construction official hired before that date.

The bill also addresses a recent superior court decision which held that construction and subcode officials serving on a provisional basis in civil service municipalities may be removed from office without cause or hearing. The bill provides that such officials may not be removed from office without just cause or hearing except to permit the appointment of a person certified by the Civil Service Commission.

The committee, at the request of the sponsor, amended the bill to clarify that construction and subcode officials appointed before February 6, 1980 in civil service municipalities would become members of the classified service and that provisional employees in such communities hired after that date could not be summarily dismissed.

The provisions of the bill were suggested at public hearings held by the Assembly Municipal Government Committee which studied the enforcement of the "State Uniform Construction Act" and by the Department of Community Affairs which is charged with administering the law.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 3171

STATE OF NEW JERSEY

ADOPTED MARCH 2, 1981

Amend page 2, section 1, line 48, omit in its entirety, insert "prior to February 6, 1980".

Amend page 2, section 1, lines 66-69, after "tion.", on line 66, omit these lines.

Amend page 2, section 1, line 70, omit "has been held, unless the removal is necessary", insert "Any construction or subcode official appointed after February 6, 1980 on a provisional basis in a municipality which has adopted the provisions of Title 11 of the Revised Statutes may not be removed from office except for just cause after a fair and impartial hearing has been held; provided, however, that such a construction or subcode official may be removed".

Amend page 3, section 1, line 71, omit "another", insert "a".

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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.

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42 year thereafter, or (2) any person certified pursuant to subsection
43 c. of this section and who subsequently gains such tenure.

44 A construction official or subcode official appointed in a munici-
45 pality operating under the provisions of Title 11 of the Revised
46 Statutes, [and] who at the time of adoption of the ["Uniform
47 Construction Code Act"] *State Uniform Construction Code or*
48 **[any time thereafter until the effective date of this amendatory*
49 *act]* *prior to February 6, 1980** had permanent classified status,
50 or was employed in the unclassified service, shall be included in the
51 classified civil service and shall have all rights provided by that
52 classification. *Any individual employed by a municipality, who in*
53 *his employment with the municipality at that time issued construc-*
54 *tion permits or certificates of occupancy, shall be deemed as*
55 *appointed to the position of construction official for the purposes of*
56 *this amendatory act.* No person, on or after [the effective date of
57 this amendatory act] *February 6, 1980*, shall be appointed as con-
58 struction or subcode official in a municipality operating under Title
59 11 of the Revised Statutes without having passed an examination
60 administered by the Civil Service Commission certifying the merit
61 and fitness of the person to hold such position; provided that, when-
62 ever a noncivil service municipality adopts the provisions of that
63 Title, construction code officials and subcode officials of such munici-
64 pality appointed prior to the filing of the petition for the adoption
65 of civil service, shall attain permanent status in the classified
66 service without examination. **[When a construction or subcode*
67 *official receives a provisional appointment in a municipality operat-*
68 *ing under Title 11 of the Revised Statutes, the official shall not be*
69 *removed from office except for just cause after a fair and impartial*
70 *hearing has been held, unless the removal is necessary.]* *Any con-*

71 *struction or subcode official appointed after February 6, 1980 on a*
72 *provisional basis in a municipality which has adopted the provisions*
72A *of Title 11 of the Revised Statutes may not be removed from office*
72B *except for just cause after a fair and impartial hearing has been*
72C *held; provided, however, that such a construction or subcode official*
72D *may be removed* to permit the appointment of ***[another]*** *a**
72E *person certified for appointment by the Civil Service Commission.*

73 A construction official or subcode official in a noncivil service
74 municipality shall be appointed for a term of 4 years and shall
75 upon appointment to a second consecutive term or on or after
76 the commencement of a fifth consecutive year of service including
77 years of service in an equivalent job title held prior to the **[enact-**
78 **ment of the "State Uniform Construction Code Act,"]** adoption
79 of the *State Uniform Construction Code* be granted tenure and
80 shall not be removed from office except for just cause after a fair
81 and impartial hearing.

82 A construction or subcode official, to be eligible for appointment
83 in civil service or noncivil service municipalities, shall be certified
84 by the State of New Jersey in accordance with subsection c. of
85 this section and shall have had at least 3 years experience in con-
86 struction, design or supervision as a licensed engineer or registered
87 architect; or 5 years experience in construction design, or super-
88 vision as an architect or engineer with a bachelor's degree from
89 an accredited institution of higher education; or 10 years experi-
90 ence in construction, design or supervision as a journeyman in a
91 trade or as a contractor. A subcode official shall, pursuant to any
92 subcode which he administers, pass upon: (1) matters relative to
93 the mode, manner of construction or materials to be used in the
94 erection or alteration of buildings or structures, except as to any
95 such matter foreclosed by State approval pursuant to this act, and
96 (2) actual execution of the approved plans and the installation
97 of the materials approved by the State. The construction official
98 in each municipality shall be the chief administrator of the "en-
99 forcing agency." He shall have the power to overrule a determi-
100 nation of a subcode official based on an interpretation of a sub-
101 stantive provision of the subcode which such subcode official
102 administers only if the construction official is qualified to act pur-
103 suant to this act as a subcode official for such subcode. He may
104 serve as subcode official for any subcode which he is qualified under
105 this act to administer. A subcode official or municipal engineer
106 may serve as a construction official if otherwise qualified under
107 the provisions of this act. The municipal enforcing agency shall

108 require compliance with the provisions of the code, of all rules
109 lawfully adopted and promulgated thereunder and of laws relating
110 to the construction, alteration, repair, removal, demolition and
111 integral equipment and location, occupancy and maintenance of
112 buildings and structures, except as may be otherwise provided for.

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

117 c. No person shall act as a construction official or subcode official
118 for any municipality unless the commissioner determines that said
119 person is so qualified except for the following: (1) a municipal
120 construction official or subcode official holding office under perma-
121 nent civil service status, or tenure as otherwise provided by law on
122 the effective date of this act or within 1 year thereafter and (2) a
123 municipal construction official or subcode official holding office
124 without such permanent civil service status or tenure on the effec-
125 tive date of this act or within 1 year thereafter; provided said
126 construction official or subcode official not having such permanent
127 civil service status or tenure shall be certified in accordance with
128 this act within 4 years of the effective date thereof provided further
129 that a person holding on the effective date of this act a valid
130 plumbing inspector's license from the Department of Health pur-
131 suant to Title 26 of the Revised Statutes may serve as a plumbing
132 subcode official and a person holding on the effective date of this
133 act a valid electrical inspector's license from the Board of Public
134 Utility Commissioners pursuant to Title 48 of the Revised Statutes
135 may serve as an electrical subcode official. The commissioner, after
136 consultation with the code advisory board, may authorize the
137 preparation and conducting of oral, written and practical examina-
138 tions to determine if a person is qualified by this act to be eligible
139 to be a construction official or subcode official or, in the alternative,
140 may accept successful completion of programs of training as proof
141 of qualification within the meaning of this act. Upon a determina-
142 tion of qualification the commissioner shall issue or cause to be
143 issued a certificate to the construction official or subcode official or
144 trainee stating that he is so certified. The commissioner, after con-
145 sultation with the code advisory board, may establish classes of
146 certification that will recognize the varying complexities of code
147 enforcement in the municipalities within the State. The commis-
148 sioner shall after consultation with the code advisory board, pro-
149 vide for educational programs designed to train and assist con-

150 struction officials and subcode officials in carrying out their
151 responsibilities.

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

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

1 2. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 3171

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 14, 1981

Amend page 2, section 1, line 44, omit "appointed", insert "serving".

Amend page 2, section 1, line 46, omit "the time of adoption of", insert "any time prior to February 6, 1980 was appointed, employed or placed in the classified service or in any category of the unclassified service".

Amend page 2, section 1, lines 47-49, omit in their entirety.

Amend page 2, section 1, line 50, omit "or was employed in the unclassified service".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3171

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Assemblymen PELLECCCHIA 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 *adoption of the State Uniform Construction Code as provided in*
19 *section 5 of the "State Uniform Construction Code Act,"* entailed
20 the chief administrative responsibility to enforce all [municipal]
21 construction codes, *which had been adopted by the municipal gov-*
22 *erning body* the enforcement of which was not the responsibility
23 of an authorized private inspection agency; and the job title
24 "subcode official" shall be equivalent to that job title which, prior
25 to the [effective date of the "State Uniform Construction Code
26 Act,'] *adoption of the State Uniform Construction Code* entailed
27 subordinate administrative responsibility to enforce one or more

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 of the following *Construction codes*: building, plumbing, electrical
29 or fire codes.

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

44 A construction official or subcode official **[appointed]** *serv-*
45 *ing* in a municipality operating under the provisions of Title 11
46 of the Revised Statutes, [and] who at **[the time of adoption of
47 the]** *any time prior to February 6, 1980 was appointed, em-*
47A *ployed or placed in the classified service or in any category of the*
47B *unclassified service* **["Uniform Construction Code Act"] **[State
47C *Uniform Construction Code or* *[any time thereafter until the
48 *effective date of this amendatory act*]* *prior to February 6,*
49 *1980** had permanent classified status, or was employed in the
50 unclassified service]**, shall be included in the classified civil
51 service and shall have all rights provided by that classification.
52 *Any individual employed by a municipality, who in his em-*
53 *ployment with the municipality at that time issued cons-*
54 *truction permits or certificates of occupancy, shall be deemed as*
55 *appointed to the position of construction official for the purposes of*
56 *this amendatory act.* No person, on or after [the effective date of
57 this amendatory act] *February 6, 1980*, shall be appointed as con-
58 struction or subcode official in a municipality operating under Title
59 11 of the Revised Statutes without having passed an examination
60 administered by the Civil Service Commission certifying the merit
61 and fitness of the person to hold such position; provided that, when-
62 ever a noncivil service municipality adopts the provisions of that
63 Title, construction code officials and subcode officials of such munici-
64 pality appointed prior to the filing of the petition for the adoption
65 of civil service, shall attain permanent status in the classified
66 service without examination. *[When a construction or subcode

67 official receives a provisional appointment in a municipality operat-
68 ing under Title 11 of the Revised Statutes, the official shall not be
69 removed from office except for just cause after a fair and impartial
70 hearing has been held, unless the removal is necessary]* *Any con-
71 struction or subcode official appointed after February 6, 1980 on a
72 provisional basis in a municipality which has adopted the provisions
72A of Title 11 of the Revised Statutes may not be removed from office
72B except for just cause after a fair and impartial hearing has been
72C held; provided, however, that such a construction or subcode official
72D may be removed* to permit the appointment of *[another]* *a*
72E person certified for appointment by the Civil Service Commission.

73 A construction official or subcode official in a noncivil service
74 municipality shall be appointed for a term of 4 years and shall
75 upon appointment to a second consecutive term or on or after
76 the commencement of a fifth consecutive year of service including
77 years of service in an equivalent job title held prior to the [enact-
78 ment of the "State Uniform Construction Code Act,"] adoption
79 of the State Uniform Construction Code be granted tenure and
80 shall not be removed from office except for just cause after a fair
81 and impartial hearing.

82 A construction or subcode official, to be eligible for appointment
83 in civil service or noncivil service municipalities, shall be certified
84 by the State of New Jersey in accordance with subsection c. of
85 this section and shall have had at least 3 years experience in con-
86 struction, design or supervision as a licensed engineer or registered
87 architect; or 5 years experience in construction design, or super-
88 vision as an architect or engineer with a bachelor's degree from
89 an accredited institution of higher education; or 10 years experi-
90 ence in construction, design or supervision as a journeyman in a
91 trade or as a contractor. A subcode official shall, pursuant to any
92 subcode which he administers, pass upon: (1) matters relative to
93 the mode, manner of construction or materials to be used in the
94 erection or alteration of buildings or structures, except as to any
95 such matter foreclosed by State approval pursuant to this act, and
96 (2) actual execution of the approved plans and the installation
97 of the materials approved by the State. The construction official
98 in each municipality shall be the chief administrator of the "en-
99 forcing agency." He shall have the power to overrule a determi-
100 nation of a subcode official based on an interpretation of a sub-
101 stantive provision of the subcode which such subcode official
102 administers only if the construction official is qualified to act pur-
103 suant to this act as a subcode official for such subcode. He may

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

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

117 c. No person shall act as a construction official or subcode official
118 for any municipality unless the commissioner determines that said
119 person is so qualified except for the following: (1) a municipal
120 construction official or subcode official holding office under perma-
121 nent civil service status, or tenure as otherwise provided by law on
122 the effective date of this act or within 1 year thereafter and (2) a
123 municipal construction official or subcode official holding office
124 without such permanent civil service status or tenure on the effec-
125 tive date of this act or within 1 year thereafter; provided said
126 construction official or subcode official not having such permanent
127 civil service status or tenure shall be certified in accordance with
128 this act within 4 years of the effective date thereof provided further
129 that a person holding on the effective date of this act a valid
130 plumbing inspector's license from the Department of Health pur-
131 suant to Title 26 of the Revised Statutes may serve as a plumbing
132 subcode official and a person holding on the effective date of this
133 act a valid electrical inspector's license from the Board of Public
134 Utility Commissioners pursuant to Title 48 of the Revised Statutes
135 may serve as an electrical subcode official. The commissioner, after
136 consultation with the code advisory board, may authorize the
137 preparation and conducting of oral, written and practical examina-
138 tions to determine if a person is qualified by this act to be eligible
139 to be a construction official or subcode official or, in the alternative,
140 may accept successful completion of programs of training as proof
141 of qualification within the meaning of this act. Upon a determina-
142 tion of qualification the commissioner shall issue or cause to be
143 issued a certificate to the construction official or subcode official or
144 trainee stating that he is so certified. The commissioner, after con-
145 sultation with the code advisory board, may establish classes of

146 certification that will recognize the varying complexities of code
147 enforcement in the municipalities within the State. The commis-
148 sioner shall after consultation with the code advisory board, pro-
149 vide for educational programs designed to train and assist con-
150 struction officials and subcode officials in carrying out their
151 responsibilities.

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

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

1 2. This act shall take effect immediately.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3171

[SECOND OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 1981

The purpose of this bill is to amend section 8 (C. 52:27D-126) of the "State Uniform Construction Act" (P. L. 1975, c. 217) to remedy certain problems which have arisen concerning the status of construction and subcode officials employed by civil service municipalities since the adoption of the State Uniform Construction Code authorized by the law.

It was the intent of the "State Uniform Construction Act" to insure that construction and subcode officials appointed prior to the adoption of the code in civil service municipalities would retain their classified status despite the adoption of Statewide licensing requirements and uniform educational and testing standards. Since that time problems have arisen concerning the status of such officials. The law was amended in 1980 to attempt to rectify several difficulties which arose during the transition to a Statewide system. This bill is designed to address additional problems which have arisen since that date.

The bill, as amended by the committee, provides that any construction or subcode official hired before February 6, 1980 (the date the law was last amended) in a civil service municipality shall be considered a member of the classified service without examination. It further provides that any person hired by a civil service municipality before February 6, 1980 who was charged with the chief administrative responsibility for enforcing construction codes shall be treated as a construction official hired before that date.

The bill also addresses a recent Superior Court decision which held that construction and subcode officials serving on a provisional basis in civil service municipalities may be removed from office.

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 3171
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JUNE 22, 1981

Amend page 2, section 1, lines 44-56, omit all of lines 44-55 and "this amendatory act.", on line 56, insert:

"A construction official or sub-code official appointed in a municipality operating under the provisions of Title 11 of the Revised Statutes who at the time of adoption of the State Uniform Construction Code, January 1, 1977, or prior to February 6, 1980 had permanent classified status or was employed as a construction official or subcode official or in another position in the unclassified service, shall be included in the classified service without civil service examination in his respective title of construction official or subcode official. Any individual employed by a municipality who in his employment with the municipality between January 1, 1977 and prior to February 6, 1980 was charged with the chief administrative responsibility to enforce all existing municipal construction codes, shall be deemed as appointed to the position of construction official for the purposes of this act. Any individual employed by a municipality who in his employment with the municipality between January 1, 1977 and prior to February 6, 1980 was charged with chief responsibility to enforce the municipal building, plumbing, fire, or electrical code shall be deemed as appointed to the position of subcode official for the purposes of this act."

Amend page 3, section 1, line 72c, after "held", insert "at the local level with no further appeal to the Civil Service Commission".

Amend page 4, section 1, line 134, omit "Utility Commissioners", insert "Utilities".

[SENATE REPRINT]
ASSEMBLY, No. 3171

[SECOND OFFICIAL COPY REPRINT]

with Senate committee amendments adopted June 22, 1981

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1981

By Assemblymen PELLECCCHIA 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 *adoption of the State Uniform Construction Code as provided in*
19 *section 5 of the "State Uniform Construction Code Act,"* entailed
20 the chief administrative responsibility to enforce all [municipal]
21 construction codes, *which had been adopted by the municipal gov-*
22 *erning body* the enforcement of which was not the responsibility
23 of an authorized private inspection agency; and the job title
24 "subcode official" shall be equivalent to that job title which, prior

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

25 to the [effective date of the "State Uniform Construction Code
 26 Act,"] *adoption of the State Uniform Construction Code* entailed
 27 subordinate administrative responsibility to enforce one or more
 28 of the following *Construction codes*: building, plumbing, electrical
 29 or fire codes.

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

44 ***[A construction official or subcode official **[appointed]**]
 45 ***serving*** in a municipality operating under the provisions of
 46 Title 11 of the Revised Statutes, [and] who at **[the time of adop-
 47 tion of the]** ***any time prior to February 6, 1980 was appointed,
 47A employed or placed in the classified service or in any category of the
 47B unclassified service*** ["Uniform Construction Code Act"] **[State
 47C Uniform Construction Code or *[any time thereafter until the
 48 effective date of this amendatory act]* **prior to February 6,
 49 1980** had permanent classified status, or was employed in the
 50 unclassified service]**, shall be included in the classified civil
 51 service and shall have all rights provided by that classification.
 52 *Any individual employed by a municipality, who in his em-
 53 ployment with the municipality at that time issued cons-
 54 truction permits or certificates of occupancy, shall be deemed as
 55 appointed to the position of construction official for the purposes of
 56 this amendatory act.]*** ***A construction official or subcode
 56A official appointed in a municipality operating under the provisions
 56B of Title 11 of the Revised Statutes who at the time of adoption of
 56C the State Uniform Construction Code, January 1, 1977, or prior to
 56D February 6, 1980 had permanent classified status or was employed
 56E as a construction official or subcode official or in another position
 56F in the unclassified service, shall be included in the classified service
 56G without civil service examination in his respective title of construc-
 56H ton official or subcode official. Any individual employed by a*

56I *municipality who in his employment with the municipality between*
 56J *January 1, 1977 and prior to February 6, 1980 was charged with*
 56K *the chief administrative responsibility to enforce all existing*
 56L *municipal construction codes, shall be deemed as appointed to the*
 56M *position of construction official for the purposes of this act. Any*
 56N *individual employed by a municipality who in his employment with*
 56O *the municipality between January 1, 1977 and prior to February*
 56P *6, 1980 was charged with chief responsibility to enforce the munici-*
 56Q *pal building, plumbing, fire, or electrical code shall be deemed as*
 56R *appointed to the position of subcode official for the purposes of*
 56S *this act.*** No person, on or after [the effective date of this*
 57 *amendatory act] February 6, 1980, shall be appointed as con-*
 58 *struction or subcode official in a municipality operating under Title*
 59 *11 of the Revised Statutes without having passed an examination*
 60 *administered by the Civil Service Commission certifying the merit*
 61 *and fitness of the person to hold such position; provided that, when-*
 62 *ever a noncivil service municipality adopts the provisions of that*
 63 *Title, construction code officials and subcode officials of such munici-*
 64 *pality appointed prior to the filing of the petition for the adoption*
 65 *of civil service, shall attain permanent status in the classified*
 66 *service without examination. * [When a construction or subcode*
 67 *official receives a provisional appointment in a municipality operat-*
 68 *ing under Title 11 of the Revised Statutes, the official shall not be*
 69 *removed from office except for just cause after a fair and impartial*
 70 *hearing has been held, unless the removal is necessary] * * Any con-*
 71 *struction or subcode official appointed after February 6, 1980 on a*
 72 *provisional basis in a municipality which has adopted the provisions*
 72A *of Title 11 of the Revised Statutes may not be removed from office*
 72B *except for just cause after a fair and impartial hearing has been*
 72C *held ***at the local level with no further appeal to the Civil Service*
 72D *Commission***; provided, however, that such a construction or sub-*
 72E *code official may be removed* to permit the appointment of*
 72F ** [another] * *a* person certified for appointment by the Civil*
 72G *Service Commission.*

73 A construction official or subcode official in a noncivil service
 74 municipality shall be appointed for a term of 4 years and shall
 75 upon appointment to a second consecutive term or on or after
 76 the commencement of a fifth consecutive year of service including
 77 years of service in an equivalent job title held prior to the [enact-
 78 ment of the "State Uniform Construction Code Act,'] adoption
 79 of the State Uniform Construction Code be granted tenure and
 80 shall not be removed from office except for just cause after a fair
 81 and impartial hearing.

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

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

117 c. No person shall act as a construction official or subcode official
118 for any municipality unless the commissioner determines that said
119 person is so qualified except for the following: (1) a municipal
120 construction official or subcode official holding office under perma-
121 nent civil service status, or tenure as otherwise provided by law on
122 the effective date of this act or within 1 year thereafter and (2) a
123 municipal construction official or subcode official holding office
124 without such permanent civil service status or tenure on the effec-

125 tive date of this act or within 1 year thereafter; provided said
126 construction official or subcode official not having such permanent
127 civil service status or tenure shall be certified in accordance with
128 this act within 4 years of the effective date thereof provided further
129 that a person holding on the effective date of this act a valid
130 plumbing inspector's license from the Department of Health pur-
131 suant to Title 26 of the Revised Statutes may serve as a plumbing
132 subcode official and a person holding on the effective date of this
133 act a valid electrical inspector's license from the Board of Public
134 ***[Utility Commissioners]*** ***Utilities*** pursuant to Title
135 48 of the Revised Statutes may serve as an electrical subcode official.
136 The commissioner, after consultation with the code advisory board,
137 may authorize the preparation and conducting of oral, written and
138 practical examinations to determine if a person is qualified by this
139 act to be eligible to be a construction official or subcode official or,
140 in the alternative, may accept successful completion of programs of
141 training as proof of qualification within the meaning of this act.
142 Upon a determination of qualification the commissioner shall issue
143 or cause to be issued a certificate to the construction official or
144 subcode official or trainee stating that he is so certified. The com-
145 missioner, after consultation with the code advisory board, may
146 establish classes of certification that will recognize the varying
147 complexities of code enforcement in the municipalities within the
148 State. The commissioner shall after consultation with the code
149 advisory board, provide for educational programs designed to train
150 and assist construction officials and subcode officials in carrying out
151 their responsibilities.

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

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

1 2. This act shall take effect immediately.
