

SENATE, No. 2636

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 4, 2018

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

Allows county to establish construction code office with authority to issue construction permit for county-owned buildings and structures and enter shared service agreement with municipality for broader code enforcement responsibilities.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT authorizing county construction code office and
2 supplementing and amending P.L.1975, c.217.

3

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

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7 1. (New section) a. Notwithstanding any other provision of
8 P.L.1975, c.217 (C.52:27D-119 et seq.), the governing body of a
9 county shall have authority to adopt an ordinance or resolution, as
10 applicable, to appoint a construction official, any necessary subcode
11 officials, and technical assistants to assist such officials, to
12 administer and enforce the code in regard to:

13 (1) buildings and structures owned by the county, including any
14 of its departments, divisions, bureaus, boards, councils, authorities,
15 or other agencies; and

16 (2) a municipality located within the county's boundaries, with
17 which the county has entered into a shared service agreement
18 pursuant to the "Uniform Shared Services and Consolidation Act,"
19 sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through
20 C.40A:65-35), for the purposes of administering and enforcing the
21 code.

22 b. Regardless of any shared service agreement with a
23 municipality, if a building or structure subject to code enforcement
24 is owned by the county, then the county construction official,
25 appointed pursuant to subsection a. of this section, may assume
26 code enforcement responsibilities that could otherwise be the
27 responsibility of a municipal code enforcement official, including
28 the imposition of fees for permit applications and inspections
29 related to construction activities by private parties on county
30 property. However, regardless of the property's ownership, a
31 county construction official may not assume code enforcement
32 responsibilities that the Department of Community Affairs is
33 required to administer, pursuant to subsection c. of section 11 of
34 P.L.1975, c.217 (C.52:27D-129) or any other provision of P.L.1975,
35 c.217 (C.52:27D-119 et seq.).

36 c. In accordance with the "Uniform Shared Services and
37 Consolidation Act," sections 1 through 35 of P.L.2007, c.63
38 (C.40A:65-1 through C.40A:65-35), a municipality may enter into a
39 shared service agreement with the county in which it is located to
40 administer and enforce the code.

41 d. The Commissioner of Community Affairs may adopt rules
42 and regulations, pursuant to the provisions of the "Administrative
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be
44 deemed necessary to implement and administer the provisions of
45 this section.

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

Matter underlined thus is new matter.

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

3 3. Definitions. As used in this act:

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

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

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

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

17 "Code" means the State Uniform Construction Code.

18 "Commercial farm building" means any building located on a
19 commercial farm which produces not less than \$2,500 worth of
20 agricultural or horticultural products annually, which building's
21 main use or intended use is related to the production of agricultural
22 or horticultural products produced on that farm. A building shall
23 not be regarded as a commercial farm building if more than 1,200
24 square feet of its floor space is used for purposes other than its main
25 use. A greenhouse constructed in conjunction with the odor control
26 bio-filter of a solid waste or sludge composting facility, which
27 greenhouse produces not less than \$2,500 worth of agricultural or
28 horticultural products in addition to its function as a cover for the
29 bio-filter, shall be considered a commercial farm building for the
30 purposes of this act, provided, however, that the greenhouse is not
31 intended for human occupancy.

32 "Construction" means the construction, erection, reconstruction,
33 alteration, conversion, demolition, removal, repair or equipping of
34 buildings or structures.

35 "Construction board of appeals" means the board provided for in
36 section 9 of this act.

37 "Department" means the Department of Community Affairs.

38 "Enforcing agency" means the municipal or county construction
39 official and subcode officials provided for in section 8 of this act, or
40 in section 1 of P.L. , c. (C.) (pending before the Legislature
41 as this bill) regarding a county enforcing agency, and assistants
42 thereto.

43 "Equipment" means plumbing, heating, electrical, ventilating, air
44 conditioning, refrigerating and fire prevention equipment, and
45 elevators, dumbwaiters, escalators, boilers, pressure vessels and
46 other mechanical facilities or installations.

1 "Hearing examiner" means a person appointed by the
2 commissioner to conduct hearings, summarize evidence, and make
3 findings of fact.

4 "Maintenance" means the replacement or mending of existing
5 work with equivalent materials or the provision of additional work
6 or material for the purpose of the safety, healthfulness, and upkeep
7 of the structure and the adherence to such other standards of upkeep
8 as are required in the interest of public safety, health and welfare.

9 "Manufactured home" or "mobile home" means a unit of housing
10 which:

11 (1) Consists of one or more transportable sections which are
12 substantially constructed off site and, if more than one section, are
13 joined together on site;

14 (2) Is built on a permanent chassis;

15 (3) Is designed to be used, when connected to utilities, as a
16 dwelling on a permanent or nonpermanent foundation; and

17 (4) Is manufactured in accordance with the standards
18 promulgated for a manufactured home by the Secretary of the
19 United States Department of Housing and Urban Development
20 pursuant to the "National Manufactured Housing Construction and
21 Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s. 5401 et
22 seq.) and the standards promulgated by the commissioner pursuant
23 to P.L.1975, c.217 (C.52:27D-119 et seq.).

24 "Municipality" means any city, borough, town, township or
25 village.

26 "Outdoor advertising sign" means a sign required to be permitted
27 pursuant to P.L.1991. c.413 (C.27:5-5 et seq.).

28 "Owner" means the owner or owners in fee of the property or a
29 lesser estate therein, a mortgagee or vendee in possession, an
30 assignee of rents, receiver, executor, trustee, lessee, or any other
31 person, firm or corporation, directly or indirectly in control of a
32 building, structure, or real property and shall include any
33 subdivision thereof of the State.

34 "Premanufactured system" means an assembly of materials or
35 products that is intended to comprise all or part of a building or
36 structure and that is assembled off site by a repetitive process under
37 circumstances intended to insure uniformity of quality and material
38 content.

39 "Public school facility" means any building, or any part thereof,
40 of a school, under college grade, owned and operated by a local,
41 regional, or county school district.

42 "State sponsored code change proposal" means any proposed
43 amendment or code change adopted by the commissioner in
44 accordance with subsection c. of section 5 of this act for the
45 purpose of presenting such proposed amendment or code change at
46 any of the periodic code change hearings held by the National
47 Model Code Adoption Agencies, the codes of which have been
48 adopted as subcodes under this act.

1 "Stop construction order" means the order provided for in section
2 14 of this act.

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

6 "Structure" means a combination of materials to form a
7 construction for occupancy, use, or ornamentation, whether
8 installed on, above, or below the surface of a parcel of land;
9 provided the word "structure" shall be construed when used herein
10 as though followed by the words "or part or parts thereof and all
11 equipment therein" unless the context clearly requires a different
12 meaning.

13 (cf: P.L.2004, c.42, s.9)

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15 3. Section 10 of P.L.1975, c.217 (C.52:27D-128) is amended to
16 read as follows:

17 Whenever a municipality or several municipalities decide not to
18 administer and enforce the code or enter into a shared services
19 agreement with the county in which they are located, pursuant to
20 the "Uniform Shared Services and Consolidation Act," sections 1
21 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35)
22 for the purpose of enforcing the code, and request the commissioner
23 to assume that task, the commissioner shall by regulation provide
24 for the enforcement of the code and this act in said municipality or
25 municipalities and for payment to the State of fees necessary to
26 defray the expenses in furtherance of that end and the commissioner
27 shall have all the powers conferred by this act upon any municipal
28 governing body, chief executive, or enforcing agency and all other
29 powers necessary and convenient to that end, provided that the
30 commissioner shall provide a departmental appeal in lieu of an
31 appeal to a municipal or joint construction board of appeals.

32 The commissioner shall hold hearings pursuant to **[section 6c.]**
33 subsection c. of section 6 of this act in order to establish regulations
34 defining the operation of this section.

35 (cf: P.L.1975, c.217, s.10)

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37 4. This act shall take effect immediately.

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STATEMENT

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42 This bill would authorize a county's governing body to adopt an
43 ordinance or resolution to appoint a construction official, and any
44 necessary subcode officials and technical assistants, to administer
45 and enforce the "State Uniform Construction Code Act," P.L.1975,
46 c.217 (C.52:27D-119 et seq.), in regard to buildings and structures
47 owned by the county. Additionally, the bill would allow a
48 municipality to enter into a shared services agreement with the

S2636 LAGANA

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1 county in which it is located, pursuant to the "Uniform Shared
2 Services and Consolidation Act," sections 1 through 35 of P.L.2007,
3 c.63 (C.40A:65-1 through C.40A:65-35), for the purpose of
4 enforcing the code.

5 Regardless of any shared service agreement with a municipality,
6 if a building or structure subject to code enforcement is owned by
7 the county, then this bill would authorize the county construction
8 official to assume code enforcement responsibilities that could
9 otherwise be the responsibility of a municipal code enforcement
10 official. However, regardless of the property's ownership, this bill
11 would not authorize a county construction official to assume code
12 enforcement responsibilities that the Department of Community
13 Affairs is required to administer.