

ASSEMBLY, No. 3385

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

SYNOPSIS

Requires installation of operational automatic rain sensor on lawn sprinklers as condition of sale and on lawn sprinklers on commercial, retail, or industrial property and in common interest communities within specified timeframes.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the installation of operational automatic rain
2 sensor devices, amending P.L.2000, c.107, and supplementing
3 P.L.1975, c.217 (C.52:27D-119 et seq.).

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

7
8 1. Section 1 of P.L.2000, c.107 (C.52:27D-123.13) is amended
9 to read as follows:

10 1. a. An automatic lawn sprinkler system installed after [the
11 effective date of P.L.2000, c.107 (C.52:27D-123.13)] September 8,
12 2000 shall be equipped with an operational automatic rain sensor
13 device or switch that will override the irrigation cycle of the
14 automatic lawn sprinkler system when adequate rainfall has
15 occurred.

16 b. (1) Every contract of sale of real property upon which an
17 automatic lawn sprinkler system was installed on or prior to
18 September 8, 2000 shall include a provision requiring, as a
19 condition of the sale, the installation of an operational automatic
20 rain sensor device or switch that will override the irrigation cycle of
21 the automatic lawn sprinkler system when adequate rainfall has
22 occurred.

23 (2) Closing of title on the sale of any real property shall not
24 occur unless documentation is provided demonstrating the
25 installation of an operational automatic rain sensor device or switch
26 as required by paragraph (1) of this subsection. At closing, the
27 buyer and seller both shall certify in writing that the requirements
28 of this subsection have been met.

29 (3) The provisions of this subsection shall not apply to the
30 closing of title on the sale of property within a common interest
31 community. As used in this paragraph, "common interest
32 community" means a horizontal property regime, condominium,
33 homeowner association, cooperative, or mutual housing
34 corporation, in which some of the property, commonly known as
35 "common elements" or "common areas," are owned or controlled by
36 the unit or association owners or members.

37 c. Failure to comply with the requirements of subsection b. of
38 this section shall neither defeat nor impair the title conveyed.

39 (cf: P.L.2000, c.107, s.1)

40

41 2. (New section) An owner who sells, leases, rents, or
42 otherwise permits to be utilized or occupied any property subject to
43 the provisions of P.L.2000, c.107 (C.52:27D-123.13) when the
44 property does not comply with the requirements of P.L.2000, c.107
45 (C.52:27D-123.13) shall be subject to a fine of not more than \$500

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 to be collected in a civil action by a summary proceeding pursuant
2 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
3 (C.2A:58-10 et seq.).

4
5 3. (New section) Within 24 months after the date of enactment
6 of P.L. , c. (C.) (pending before the Legislature as this
7 bill), an automatic lawn sprinkler system installed on or prior to
8 September 8, 2000 in a common interest community shall be
9 retrofitted with an operational automatic rain sensor device or
10 switch that will override the irrigation cycle of the automatic lawn
11 sprinkler system when adequate rainfall has occurred.

12 As used in this section, "common interest community" means a
13 horizontal property regime, condominium, homeowner association,
14 cooperative, or mutual housing corporation, in which some of the
15 property, commonly known as "common elements" or "common
16 areas," are owned or controlled by the unit or association owners or
17 members.

18
19 4. (New section) Within 12 months after the date of enactment
20 of P.L. , c. (C.) (pending before the Legislature as this
21 bill), an automatic lawn sprinkler system installed on or prior to
22 September 8, 2000 on any commercial, retail, or industrial property
23 shall be retrofitted with an operational automatic rain sensor device
24 or switch that will override the irrigation cycle of the automatic
25 lawn sprinkler system when adequate rainfall has occurred.

26
27 5. This act shall take effect immediately.

30 STATEMENT

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32 This bill requires that every contract of sale of real property upon
33 which a lawn sprinkler system was installed on or prior to
34 September 8, 2000, i.e., the effective date of P.L.2000, c.107
35 (C.C.52:27D-123.13), must include a provision requiring, as a
36 condition of the sale, the installation of an operational automatic
37 rain sensor device or switch that will override the irrigation cycle of
38 the automatic lawn sprinkler system when adequate rainfall has
39 occurred.

40 Current law requires all automatic lawn sprinkler systems
41 installed after September 8, 2000 be equipped with an automatic
42 rain sensor device or switch that will override the irrigation cycle of
43 the automatic lawn sprinkler system when adequate rainfall has
44 occurred. This bill would expand this requirement to automatic
45 lawn sprinkler systems installed on or prior to September 8, 2000,
46 in accordance with the timeframes and conditions set forth in the
47 bill.

1 Under this bill, the closing of title on the sale of any real
2 property cannot occur unless documentation is provided
3 demonstrating the installation of an operational automatic rain
4 sensor device or switch. At closing, the buyer and seller would
5 both be required to certify in writing that this requirement has been
6 met. Failure to comply with these requirements would not defeat or
7 impair the title conveyed. These provisions would not apply to the
8 closing of title on the sale of property within a common interest
9 community. "Common interest community" is defined as a
10 horizontal property regime, condominium, homeowner association,
11 cooperative, or mutual housing corporation, in which some of the
12 property, commonly known as "common elements" or "common
13 areas," is owned or controlled by the unit or association owners or
14 members.

15 An owner of property who sells, leases, rents or otherwise
16 permits to be utilized or occupied any property when it does not
17 comply with these requirements would be subject to a fine of up to
18 \$500.

19 In addition, within 24 months after the date of enactment of this
20 bill into law, an automatic lawn sprinkler system installed on or
21 prior to September 8, 2000 in a common interest community would
22 be required to be retrofitted with an operational automatic rain
23 sensor device or switch that will override the irrigation cycle of the
24 automatic lawn sprinkler system when adequate rainfall has
25 occurred.

26 Lastly, within 12 months after the date of enactment of this bill
27 into law, an automatic lawn sprinkler system installed on or prior to
28 September 8, 2000 on any commercial, retail, or industrial property
29 would be required to be retrofitted with an operational automatic
30 rain sensor device or switch that will override the irrigation cycle of
31 the automatic lawn sprinkler system when adequate rainfall has
32 occurred.