

ASSEMBLY, No. 4262

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

SYNOPSIS

Concerns stop construction orders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2020)

1 AN ACT concerning stop construction orders and amending
2 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. Section 14 of P.L.1975, c.217 (C.52:27D-132) is amended to
8 read as follows:

9 14. a. The enforcing agency shall periodically inspect all
10 construction undertaken pursuant to a construction permit issued by
11 it to insure that the construction or alteration is performed in
12 accordance with the conditions of the construction permit and
13 consistent with the requirements of the code and any ordinance
14 implementing said code.

15 b. The owner of any premises upon which a building or
16 structure is being constructed shall be deemed to have consented to
17 the inspection by the enforcing agency and the department, of the
18 entire premises and of any and all construction being performed on
19 it until a certificate of occupancy has been issued. An inspector, or
20 team of inspectors, on presentation of proper credentials, shall have
21 the right to enter and inspect such premises, and any and all
22 construction thereon, for purposes of ensuring compliance with the
23 provisions of the applicable construction permit, the code, and other
24 applicable laws and regulations. All inspection pursuant to this act
25 shall be between the hours of 9 a.m. and 5 p.m. on business days, or
26 when construction is actually being undertaken, provided, however,
27 that inspections may be conducted at other times if the enforcing
28 agency has reasonable cause to believe that an immediate danger to
29 life, limb or property exists, or if permission is given by an owner,
30 or his agent, architect, engineer or builder. No person shall
31 accompany an inspector or team of inspectors on any inspection
32 pursuant to this act, unless his presence is necessary for the
33 enforcement of this act, or the code, or unless consent is given by
34 an owner or his agent, architect, engineer or builder.

35 c. If the construction of a structure or building is being
36 undertaken contrary to the provisions of a construction permit, this
37 act, the code, or other applicable laws or ordinances, including any
38 provisions of this act, the code, and other laws of the State which
39 concerns public health, occupational safety and health,
40 environmental protection, or standards regarding wages, hours of
41 work, workers' compensation and other conditions of employment,
42 the enforcing agency may issue a stop construction order in writing
43 which shall state the conditions upon which construction may be
44 resumed and which shall be given to the owner or the holder of the
45 construction permit or to the person performing the construction. If

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 the person doing the construction is not known, or cannot be located
2 with reasonable effort, the notice may be delivered to the person in
3 charge of, or apparently in charge of, the construction. No person
4 shall continue, or cause or allow to be continued, the construction
5 of a building or structure in violation of a stop construction order,
6 except with the permission of the enforcing agency to abate a
7 dangerous condition or remove a violation, or except by court order.
8 If an order to stop construction is not obeyed, the enforcing agency
9 may apply to the appropriate court as otherwise established by law
10 for an order enjoining the violation of the stop construction order.
11 The remedy for violation of such an order provided in this
12 subsection shall be in addition to, and not in limitation of, any other
13 remedies provided by law or ordinance.

14 d. When an inspector or team of inspectors finds a violation of
15 the provisions of a construction permit, the code, or other applicable
16 laws and regulations at an owner-occupied single-family residence,
17 and issues a notice of violation and an order to terminate the
18 violation, the enforcing agency shall require the same inspector or
19 team of inspectors who found the violation to undertake any
20 subsequent reinspection thereof at the premises. When the same
21 inspector or team of inspectors cannot be assigned to undertake the
22 reinspection, the enforcing agency may assign an available
23 inspector provided the scope of the reinspection shall be limited to
24 the violation for which the reinspection is required. The
25 requirements of this subsection shall not apply to violations of the
26 plumbing or electrical subcodes, or to fire safety code violations, or
27 to any violation of any other subcode that the Department of
28 Community Affairs determines to be a health or safety violation.
29 Nothing in this subsection shall be construed to infringe upon the
30 right of a property owner to request a different inspector, team of
31 inspectors, or supervisor, to perform any required reinspection.
32 (cf: P.L.2007, c.149, s.1)

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34 2. This act shall take effect immediately.

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STATEMENT

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39 This bill specifies that the current authority provided by the
40 “State Uniform Construction Code Act,” P.L.1975, c.217
41 (C.52:27D-119 et seq.) to municipalities to issue stop construction
42 orders if “the construction of a structure or building is being
43 undertaken contrary to the provisions of a construction permit, this
44 act, the code, or other applicable laws or ordinances” applies to any
45 provision of the law, the code, or other State laws which concerns
46 public health, occupational safety and health, environmental
47 protection, or standards regarding wages, hours of work, workers’
48 compensation and other conditions of employment.