

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1708 and 1782

STATE OF NEW JERSEY

ADOPTED MAY 2, 1996

Sponsored by Assemblymen KRAMER, GREGG and KELLY

1 AN ACT concerning the adoption of building construction codes,
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) The Legislature finds and declares that:

8 a. One of the specified purposes of the "State Uniform
9 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), was
10 the elimination of restrictive and unnecessary construction regulations
11 that tend to unnecessarily increase construction costs.

12 b. While the overall effect of the statutory requirement that the
13 subcodes of the State Uniform Construction Code be adoptions of the
14 model codes or standards of nationally recognized organizations,
15 including all amendments or revisions to such codes or standards, has
16 been consistent with the intent and purpose of the "State Uniform
17 Construction Code Act," there have been exceptional instances in
18 which the amendment or revision of an adopted code or standard has
19 included changes that are not consistent with that intent and purpose.

20 c. It is therefore necessary and appropriate that the Commissioner
21 of Community Affairs be given the authority to limit the adoption of
22 later revisions to the model code to include only those standards in
23 effect on July 1, 1995, and any later revisions or amendments of model
24 codes which would not be inconsistent with the intent and purpose of
25 the act.

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27 2. Section 5 of P.L.1975, c.217 (C. 52:27D-123) is amended to
28 read as follows:

29 5. a. The commissioner shall after public hearing pursuant to
30 section 4 of the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-4) adopt a State Uniform Construction Code for the
32 purpose of regulating the structural design, construction, maintenance
33 and use of buildings or structures to be erected and alteration,

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 renovation, rehabilitation, repair, maintenance, removal or demolition
2 of buildings or structures already erected. Prior to the adoption of
3 said code, the commissioner shall consult with the code advisory board
4 and other departments, divisions, bureaus, boards, councils or other
5 agencies of State Government heretofore authorized to establish or
6 administer construction regulations.

7 Such prior consultations with departments, divisions, bureaus,
8 boards, councils, or other agencies of State Government shall include
9 but not be limited to consultation with the Commissioner of Health
10 and the Public Health Council prior to adoption of a plumbing subcode
11 pursuant to paragraph b. of this section. Said code shall include any
12 code, rule or regulation incorporated therein by reference.

13 b. The code shall be divided into subcodes which may be adopted
14 individually by the commissioner as he may from time to time consider
15 appropriate. ~~[Said] These~~ subcodes shall include but not be limited to
16 a building code, a plumbing code, an electrical code, an energy code,
17 a fire prevention code, a manufactured or mobile home code and
18 mechanical code.

19 These subcodes shall be adoptions of the model codes of the
20 Building Officials and Code Administrators International, Inc., the
21 National Electrical Code, and the National Standard Plumbing Code,
22 provided that for good reasons, the commissioner may adopt as a
23 subcode a model code or standard of some other nationally recognized
24 organization upon a finding that such model code or standard
25 promotes the purposes of this act. The initial adoption of a model
26 code or standard as a subcode shall constitute adoption of subsequent
27 edition year publications of the model code or standard organization,
28 except as provided for in paragraphs (1) through (4) of this subsection.
29 Adoption of publications shall not occur more frequently than once
30 every three years; provided, however, that a revision or amendment
31 may be adopted at any time in the event that the commissioner finds
32 that there exists an imminent peril to the public health, safety or
33 welfare.

34 (1) Except as otherwise provided in this subsection, the edition of
35 a model code or standard in effect as a subcode as of July 1, 1995 shall
36 continue in effect regardless of any publication of a subsequent edition
37 of that model code or standard. Prior to establishing the effective
38 date for any subsequent revision or amendment of any model code or
39 standard adopted as a subcode, the commissioner shall review, in
40 consultation with the code advisory board, the text of the revised or
41 amended model code or standard and determine whether the amended
42 or revised provisions of the model code are essential to carry out the
43 intent and purpose of this act as viewed in contrast to the
44 corresponding provisions of the subcode then currently in effect.

45 (2) In the event that the commissioner, pursuant to paragraph (1)

1 of this subsection, determines that any amended or revised provision
2 of a model code is essential to carry out the intent and purpose of this
3 act as viewed in contrast to any corresponding provision of the
4 subcode then currently in effect, the commissioner may then adopt that
5 provision of the amended or revised model code.

6 (3) The commissioner, in consultation with the code advisory
7 board, shall have the authority to review any model code or standard
8 currently in effect as a subcode of the State Uniform Construction
9 Code and compare it with previously adopted editions of the same
10 model code or standard in order to determine if the subcode currently
11 in effect is at least as consistent with the intent and purpose of this act
12 as were previously adopted editions of the same model code or
13 standard.

14 (4) In the event that the commissioner, after consultation with the
15 code advisory board, determines pursuant to this subsection that a
16 provision of a model code or standard currently in effect as a subcode
17 of the State Uniform Construction Code is less consistent with the
18 intent and purpose of this act than was the corresponding provision
19 of a previously adopted edition of the same model code or standard,
20 the commissioner may delete the provision in effect and substitute in
21 its place the corresponding provision of the previously adopted edition
22 of the same model code or standard determined to be more consistent
23 with the intent and purpose of this act.

24 The commissioner shall be authorized to adopt a barrier free
25 subcode or to supplement or revise any model code adopted
26 hereunder, for the purpose of insuring that adequate and sufficient
27 features are available in buildings or structures so as to make them
28 accessible to and usable by the physically handicapped.

29 c. Any municipality through its construction official, and any State
30 agency or political subdivision of the State may submit an application
31 recommending to the commissioner that a State sponsored code
32 change proposal be adopted. Such application shall contain such
33 technical justification and shall be submitted in accordance with such
34 rules of procedure as the commissioner may deem appropriate, except
35 that whenever the State Board of Education shall determine that
36 enhancements to the code are essential to the maintenance of a
37 thorough and efficient system of education, the enhancements shall be
38 made part of the code; provided that the amendments do not result in
39 standards that fall below the adopted subcodes. The Commissioner of
40 the Department of Education shall consult with the Commissioner of
41 the Department of Community Affairs prior to publishing the intent of
42 the State Board to adopt any amendments to the Uniform Construction
43 Code. Upon adoption of any amendments by the State Board of
44 Education they shall be transmitted forthwith to the Commissioner of
45 the Department of Community Affairs who shall publish and

1 incorporate the amendments as part of the Uniform Construction Code
2 and the amendments shall be enforceable as if they had been adopted
3 by the commissioner.

4 At least 45 days prior to the final date for the submission of
5 amendments or code change proposals to the National Model Code
6 Adoption Agency, the code of which has been adopted as a subcode
7 under this act, the commissioner shall hold a public hearing in
8 accordance with the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.), at which testimony on any application
10 recommending a State sponsored code change proposal will be heard.

11 The commissioner shall maintain a file of such applications, which
12 shall be made available to the public upon request and upon payment
13 of a fee to cover the cost of copying and mailing.

14 After public hearing, the code advisory board shall review any such
15 applications and testimony and shall within 20 days of such hearing
16 present its own recommendations to the commissioner.

17 The commissioner may adopt, reject or return such
18 recommendations to the code advisory board for further deliberation.
19 If adopted, any such proposal shall be presented to the subsequent
20 meeting of the National Model Code Agency by the commissioner or
21 by persons designated by the commissioner as a State sponsored code
22 change proposal. Nothing herein, however, shall limit the right of any
23 municipality, the department, or any other person from presenting
24 amendments to the National Model Code Agency on its own initiative.

25 The commissioner may adopt further rules and regulations
26 pursuant to this subsection and may modify the procedures herein
27 described when a model code change hearing has been scheduled so as
28 not to permit adequate time to meet such procedures.

29 d. (Deleted by amendment, P.L.1983, c.496.)
30 (cf: P.L.1993, c.306, s.1)

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32 3. This act shall take effect on the first day of the third month
33 following enactment.

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38 Limits adoption of national model codes and standards under
39 Uniform Construction Code to those in effect on July 1, 1995, but
40 permits commissioner flexibility to adopt or modify code as necessary.