

ASSEMBLY, No. 2298

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblymen BUCCO, CARROLL, Augustine, Pascrell,  
Caraballo, Assemblywoman Murphy, Assemblymen DeCroce  
and Roma

1 AN ACT concerning certain penalties under the "State Uniform  
2 Construction Code Act" and amending P.L.1975, c.217.

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

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7 1. Section 20 of P.L.1975, c.217 (C.52:27D-138) is amended to  
8 read as follows:

9 20. a. Any person or corporation, including an officer, director or  
10 employee of a corporation, who:

11 (1) Violates any of the provisions of this act or rules promulgated  
12 hereunder;

13 (2) Constructs a structure or building in violation of a condition of  
14 a building permit;

15 (3) Fails to comply with any order issued by an enforcing agency  
16 or the department;

17 (4) Makes a false or misleading written statement, or omits any  
18 required information or statement in any application or request for  
19 approval to an enforcing agency or the department;

20 (5) Knowingly sells or offers for retail sale any item, device or  
21 material, the regular and intended use of which would violate any  
22 provision of the State Uniform Construction Code;

23 Shall be subject to a penalty of not more than ~~[\$500.00]~~ \$5,000.00.

24 Paragraph (5) above does not prohibit the retail sale or offering for  
25 retail sale of any item, device or material which has more than one  
26 regular and intended use, if one of those uses does not violate the  
27 code, provided that the item, device or material is not publicly  
28 advertised or otherwise promoted by the seller or manufacturer as  
29 suitable for a use that would violate any provisions of the code.

30 b. Anyone who knowingly refuses entry or access to an inspector  
31 lawfully authorized to inspect any premises, building or structure  
32 pursuant to this act or who unreasonably interferes with such an

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

**Matter underlined thus is new matter.**

1 inspection shall be subject to a fine of not more than \$250.00.

2 c. With respect to subsection a. (3) of this section, a person shall  
3 be guilty of a separate offense for each day that he fails to comply with  
4 a stop construction order validly issued by an enforcing agency or the  
5 department and for each week that he fails to comply with any other  
6 order validly issued by an enforcing agency or the department. With  
7 respect to subsections a. (1) and a. (4) of this section, a person shall  
8 be guilty of a separate offense for each violation of any provision of  
9 this act or rules promulgated hereunder and for each false or  
10 misleading written statement or omission of required information or  
11 statement made in any application or request for approval to an  
12 enforcing agency or the department. With respect to subsection a. (2)  
13 of the section, a person shall be guilty of a separate offense for each  
14 violation of the conditions of a construction permit.

15 d. The penalties pursuant to this section may be collected in a  
16 summary proceeding pursuant to the "Penalty Enforcement Law"  
17 (N.J.S.2A:58-1 et seq.). Jurisdiction to enforce such penalties is  
18 hereby conferred upon judges of the municipal court, in addition to the  
19 courts specified by N.J.S.2A:58-2. Suit may be brought by a  
20 municipality or the State of New Jersey. Payment of a money  
21 judgment pursuant hereto shall be remitted, in the case of a suit  
22 brought by a municipality, to the municipal treasurer and in the case  
23 of a suit brought by the State of New Jersey, to the State Treasurer.  
24 (cf: P.L.1983, c.83, s.1)

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26 2. This act shall take effect immediately.

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#### STATEMENT

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31 This bill increases the maximum penalty for violations of the  
32 provisions of the "State Uniform Construction Code Act," from \$500  
33 to \$5,000. The penalty has remained unchanged since the enactment  
34 of the law in 1975.

35 The increased penalty under this bill would match the maximum  
36 penalty for violations under the "Uniform Fire Safety Act," P.L.1983,  
37 c.383, and would serve as a greater deterrent against violations of the  
38 "State Uniform Construction Code Act" by individuals engaged in  
39 construction projects in municipalities throughout the State.

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45 Increases maximum penalty for "State Uniform Construction Code  
Act" violations from \$500 to \$5,000.