

ASSEMBLY, No. 2716

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1997

By Assemblyman AUGUSTINE

1 AN ACT concerning water conservation, and amending and  
2 supplementing 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 5 of P.L.1975, c.217 (C. 52:27D-123) is amended to  
8 read as follows:

9 5. a. The commissioner shall after public hearing pursuant to  
10 section 4 of the "Administrative Procedure Act," P.L.1968, c.410  
11 (C.52:14B-4) adopt a State Uniform Construction Code for the  
12 purpose of regulating the structural design, construction, maintenance  
13 and use of buildings or structures to be erected and alteration,  
14 renovation, rehabilitation, repair, maintenance, removal or demolition  
15 of buildings or structures already erected. Prior to the adoption of  
16 said code, the commissioner shall consult with the code advisory board  
17 and other departments, divisions, bureaus, boards, councils or other  
18 agencies of State Government heretofore authorized to establish or  
19 administer construction regulations.

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

26 b. The code shall be divided into subcodes **[which]** that may be  
27 adopted individually by the commissioner as he may from time to time  
28 consider appropriate. These subcodes shall include but not be limited  
29 to a building code, a plumbing code, an electrical code, an energy  
30 code, a fire prevention code, a manufactured or mobile home code and  
31 mechanical code.

32 These subcodes shall be adoptions of the model codes of the  
33 Building Officials and Code Administrators International, **[Inc.]**  
34 Incorporated, the National Electrical Code, and the National Standard

**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 Plumbing Code, provided that for good reasons, the commissioner  
2 may adopt as a subcode a model code or standard of some other  
3 nationally recognized model code organization upon a finding that  
4 such model code or standard promotes the purposes of this act. The  
5 initial adoption of a model code or standard as a subcode shall  
6 constitute adoption of subsequent edition year publications of the  
7 model code or standard organization, except as provided for in  
8 paragraphs (1) through (4) of this subsection. Adoption of  
9 publications shall not occur more frequently than once every three  
10 years; provided, however, that a revision or amendment may be  
11 adopted at any time in the event that the commissioner finds that there  
12 exists an imminent peril to the public health, safety or welfare.

13 (1) Except as otherwise provided in this subsection, the edition of  
14 a model code or standard in effect as a subcode as of July 1, 1995 shall  
15 continue in effect regardless of any publication of a subsequent edition  
16 of that model code or standard. Prior to establishing the effective  
17 date for any subsequent revision or amendment of any model code or  
18 standard adopted as a subcode, the commissioner shall review, in  
19 consultation with the code advisory board, the text of the revised or  
20 amended model code or standard and determine whether the amended  
21 or revised provisions of the model code are essential to carry out the  
22 intent and purpose of this act as viewed in contrast to the  
23 corresponding provisions of the subcode then currently in effect.

24 (2) In the event that the commissioner, pursuant to paragraph (1)  
25 of this subsection, determines that any amended or revised provision  
26 of a model code is essential to carry out the intent and purpose of this  
27 act as viewed in contrast to any corresponding provision of the  
28 subcode then currently in effect, the commissioner may then adopt that  
29 provision of the amended or revised model code.

30 (3) The commissioner, in consultation with the code advisory  
31 board, shall have the authority to review any model code or standard  
32 currently in effect as a subcode of the State Uniform Construction  
33 Code and compare it with previously adopted editions of the same  
34 model code or standard in order to determine if the subcode currently  
35 in effect is at least as consistent with the intent and purpose of this act  
36 as were previously adopted editions of the same model code or  
37 standard.

38 (4) In the event that the commissioner, after consultation with the  
39 code advisory board, determines pursuant to this subsection that a  
40 provision of a model code or standard currently in effect as a subcode  
41 of the State Uniform Construction Code is less consistent with the  
42 intent and purpose of this act than was the corresponding provision  
43 of a previously adopted edition of the same model code or standard,  
44 the commissioner may delete the provision in effect and substitute in  
45 its place the corresponding provision of the previously adopted edition

1 of the same model code or standard determined to be more consistent  
2 with the intent and purpose of this act.

3 The commissioner shall be authorized to adopt a barrier free  
4 subcode or to supplement or revise any model code adopted  
5 hereunder, for the purpose of insuring that adequate and sufficient  
6 features are available in buildings or structures [so as to] , which make  
7 them accessible to and usable by the physically handicapped.

8 Within 90 days of the effective date of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill) the commissioner shall adopt water  
10 conservation standards for automatic lawn sprinkler systems. These  
11 standards may be adopted as a subcode or may supplement or revise  
12 any model code adopted hereunder for the purpose of insuring water-  
13 conserving features for new development and in the repair or  
14 replacement of existing structures and equipment.

15 The water conservation standards for automatic lawn sprinkler  
16 systems adopted hereunder shall require the use of the most efficient  
17 conserving devices that provide adequate function and service.

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

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

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

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

7 The commissioner may adopt, reject, or return such  
8 recommendations to the code advisory board for further deliberation.  
9 If adopted, any such proposal shall be presented to the subsequent  
10 meeting of the National Model Code Agency by the commissioner or  
11 by persons designated by the commissioner as a State sponsored code  
12 change proposal. Nothing herein, however, shall limit the right of any  
13 municipality, the department, or any other person from presenting  
14 amendments to the National Model Code Agency on its own initiative.

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

19 d. (Deleted by amendment, P.L.1983, c.496.)

20 (cf: P.L.1996, c.53, s.2)

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22 2. (New section) No certificate of occupancy shall be issued for  
23 any building or structure served by an automatic lawn sprinkler  
24 system, with the exception of horticultural and agricultural businesses  
25 and golf courses, unless the system complies with the water  
26 conservation standards for automatic lawn sprinkler systems adopted  
27 pursuant to section 5 of P.L.1975, c.217 (C.52:27D-123) (pending  
28 before the Legislature as this bill).

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30 3. This act shall take effect immediately.

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#### STATEMENT

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35 This bill would require the Commissioner of Community Affairs to  
36 adopt water conservation standards for automatic lawn sprinkler  
37 systems and would prohibit the issuance of certificates of occupancy  
38 unless automatic lawn sprinkler systems comply with the new  
39 standards.

40 The bill would direct the commissioner to adopt standards which  
41 will require any new lawn sprinkler system being installed and any  
42 system being repaired or replaced to incorporate the most efficient  
43 water conservation devices that provide adequate function and service.  
44 Horticultural and agricultural businesses and golf courses would be  
45 exempted from the requirement.

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3 Requires adoption of automatic lawn sprinkler standards and  
4 compliance with standards for issuance of certificate of occupancy.