

SENATE, No. 1414

STATE OF NEW JERSEY

INTRODUCED JULY 25, 1996

By Senator BENNETT

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

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

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

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

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

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

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

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

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

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

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

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29 2. (New section) No certificate of occupancy shall be issued for
30 any building or structure served by an automatic lawn sprinkler
31 system, with the exception of horticultural and agricultural businesses
32 and golf courses, unless the system complies with the water
33 conservation standards for automatic lawn sprinkler systems adopted
34 pursuant to section 1 of P.L. , c. (C.) (pending before the
35 Legislature as this bill).

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37 3. This act shall take effect immediately.

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STATEMENT

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42 This bill would require the Commissioner of Community Affairs to
43 adopt water conservation standards for automatic lawn sprinkler
44 systems and would prohibit the issuance of certificates of occupancy
45 unless automatic lawn sprinkler systems comply with the new
46 standards.

1 The bill would direct the commissioner to adopt standards which
2 will require any new lawn sprinkler system being installed and any
3 system being repaired or replaced to incorporate the most efficient
4 water conservation devices that provide adequate function and service.
5 Horticultural and agricultural businesses and golf courses would be
6 exempted from the requirement.

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11 Requires adoption of automatic lawn sprinkler standards and
12 compliance with standards for issuance of certificate of occupancy.