

[First Reprint]
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.

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 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. ¹[Said] These¹ subcodes shall include but not be
29 limited to a building code, a plumbing code, an electrical code, an
30 energy code, a fire prevention code, a manufactured or mobile home
31 code and mechanical code.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCO committee amendments adopted September 19, 1996.

1 These subcodes shall be adoptions of the model codes of the
2 Building Officials and Code Administrators International, [Inc.]
3 Incorporated, the National Electrical Code, and the National Standard
4 Plumbing Code, provided that for good reasons, the commissioner
5 may adopt as a subcode a model code or standard of some other
6 nationally recognized model code organization upon a finding that
7 such model code or standard promotes the purposes of this act. The
8 initial adoption of a model code or standard as a subcode shall
9 constitute adoption of subsequent edition year publications of the
10 model code or standard organization ¹, except as provided for in
11 paragraphs (1) through (4) of this subsection¹. Adoption of
12 publications shall not occur more frequently than once every three
13 years; provided, however, that a revision or amendment may be
14 adopted at any time in the event that the commissioner finds that there
15 exists an imminent peril to the public health, safety or welfare.

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

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

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

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

1 the commissioner may delete the provision in effect and substitute in
2 its place the corresponding provision of the previously adopted edition
3 of the same model code or standard determined to be more consistent
4 with the intent and purpose of this act.¹

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

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

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

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

40 At least 45 days prior to the final date for the submission of
41 amendments or code change proposals to the National Model Code
42 Adoption Agency, the code of which has been adopted as a subcode
43 under this act, the commissioner shall hold a public hearing in
44 accordance with the "Administrative Procedure Act," P.L.1968, c.410
45 (C.52:14B-1 et seq.), at which testimony on any application
46 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 1 of P.L. , c. (C.) (pending before the
28 Legislature as this bill).

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30 3. This act shall take effect immediately.

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