

## CHAPTER 228

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

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

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

C.52:27D-138 Penalties.

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

- (1) Violates any of the provisions of this act or rules promulgated hereunder;
- (2) Constructs a structure or building in violation of a condition of a building permit;
- (3) Fails to comply with any order issued by an enforcing agency or the department;
- (4) Makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to an enforcing agency or the department;
- (5) Knowingly sells or offers for retail sale any item, device or material, the regular and intended use of which would violate any provision of the State Uniform Construction Code;

Shall be subject to a penalty of not more than \$2,000; provided, however, that any penalties in excess of \$500.00 per violation may be levied by an enforcing agency only in accordance with subsection e. below.

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

b. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this act or who unreasonably interferes with such an inspection shall be subject to a fine of not more than \$250.00.

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

d. The penalties pursuant to this section may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Jurisdiction to enforce such penalties is hereby conferred upon judges of the municipal court, in addition to the courts specified by N.J.S.2A:58-2. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted, in the case of a suit brought by a municipality, to the municipal treasurer and in the case of a suit brought by the State of New Jersey, to the State Treasurer.

e. Penalties in excess of \$500.00 per violation may be levied by an enforcing agency only as follows:

(1) A penalty for failure or refusal to comply with any lawful order shall not exceed \$1,000.00 per violation, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall not exceed \$2,000.00 per violation;

(2) A penalty for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy shall not exceed \$2,000.00 per violation;

(3) A penalty for failure to comply with a stop construction order shall not exceed \$2,000.00 per violation;

(4) A penalty for willfully making a false or misleading written statement, or willfully

omitting any required information or statement in any application or request for approval, shall not exceed \$2,000.00 per violation;

For purposes of this subsection, in an occupied building, only a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building only a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.

2. This act shall take effect immediately.

Approved January 9, 2004.