

## CHAPTER 157

**AN ACT** concerning county construction code enforcement and supplementing and amending P.L.1975, c.217.

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

C.52:27D-126.8 “County Code Enforcement Pilot Program”; definitions.

1. a. As used in P.L.2018, c.157 (C.52:27D-126.8 et al.):

“Pilot county” means any county of the first class with a population of over 900,000 and a population density of less than 4,000 persons per square mile according to the 2010 federal decennial census.

“Pilot program” means the “County Code Enforcement Pilot Program” established pursuant to subsection b. of this section.

b. There is established the “County Code Enforcement Pilot Program” to permit any pilot county to assume responsibility for certain construction code enforcement activities. Notwithstanding any other provision of P.L.1975, c.217 (C.52:27D-119 et seq.) to the contrary, the governing body of a pilot county may appoint, by ordinance or resolution, as applicable, a county construction official, subcode officials, and technical assistants to administer and enforce the code in regard to:

(1) buildings and structures owned by the pilot county, including any of its departments, divisions, bureaus, boards, councils, authorities, or other agencies; and

(2) a municipality located within the pilot county with which the pilot county has entered into a shared service agreement pursuant to the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35), for the purposes of administering and enforcing the code.

c. Regardless of any shared service agreement with a municipality, if a building or structure subject to code enforcement is owned by the pilot county, then the county construction official appointed pursuant to subsection b. of this section may assume the code enforcement responsibilities of a municipal code enforcement official, including the imposition of fees for permit applications and inspections related to construction activities by private parties on county property. However, regardless of the property’s ownership, a county construction official may not assume code enforcement responsibilities that the Department of Community Affairs is required to administer, pursuant to subsection c. of section 11 of P.L.1975, c.217 (C.52:27D-129) or any other provision of P.L.1975, c.217 (C.52:27D-119 et seq.).

d. In accordance with the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35), a municipality located within a pilot county may enter into a shared service agreement with the pilot county to administer and enforce the code.

e. The Commissioner of Community Affairs shall adopt rules and regulations, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of the pilot program.

2. Section 3 of P.L.1975, c.217 (C.52:27D-121) is amended to read as follows:

C.52:27D-121 Definitions.

3. Definitions. As used in P.L.1975, c.217 (C.52:27D-119 et seq.):

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

"Business day" means any day of the year, exclusive of Saturdays, Sundays, and legal holidays.

"Certificate of occupancy" means the certificate provided for in section 15 of P.L.1975, c.217 (C.52:27D-133), indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the State Uniform Construction Code and any ordinance implementing said code.

"Commissioner" means the Commissioner of Community Affairs.

"Code" means the State Uniform Construction Code.

"Commercial farm building" means any building located on a commercial farm which produces not less than \$2,500 worth of agricultural or horticultural products annually, which building's main use or intended use is related to the production of agricultural or horticultural products produced on that farm. A building shall not be regarded as a commercial farm building if more than 1,200 square feet of its floor space is used for purposes other than its main use. A greenhouse constructed in conjunction with the odor control bio-filter of a solid waste or sludge composting facility, which greenhouse produces not less than \$2,500 worth of agricultural or horticultural products in addition to its function as a cover for the bio-filter, shall be considered a commercial farm building for the purposes of P.L.1975, c.217 (C.52:27D-119 et seq.), provided, however, that the greenhouse is not intended for human occupancy.

"Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, removal, repair or equipping of buildings or structures.

"Construction board of appeals" means the board provided for in section 9 of P.L.1975, c.217 (C.52:27D-127).

"Department" means the Department of Community Affairs.

"Enforcing agency" means the municipal or county construction official and subcode officials provided for in section 8 of P.L.1975, c.217 (C.52:27D-126), or section 1 of P.L.2018, c.157 (C.52:27D-126.8) regarding a pilot county in the "County Code Enforcement Pilot Program," and assistants thereto.

"Equipment" means plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire prevention equipment, and elevators, dumbwaiters, escalators, boilers, pressure vessels and other mechanical facilities or installations.

"Hearing examiner" means a person appointed by the commissioner to conduct hearings, summarize evidence, and make findings of fact.

"Maintenance" means the replacement or mending of existing work with equivalent materials or the provision of additional work or material for the purpose of the safety, healthfulness, and upkeep of the structure and the adherence to the other standards of upkeep as are required in the interest of public safety, health and welfare.

"Manufactured home" or "mobile home" means a unit of housing which:

(1) Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;

(2) Is built on a permanent chassis;

(3) Is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and

(4) Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United States Department of Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s. 5401 et seq.) and the standards promulgated by the commissioner pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.).

"Municipality" means any city, borough, town, township or village.

"Outdoor advertising sign" means a sign required to be permitted pursuant to P.L.1991. c.413 (C.27:5-5 et seq.).

"Owner" means the owner or owners in fee of the property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, firm or corporation, directly or indirectly in control of a building, structure, or real property and shall include any subdivision thereof of the State.

"Premanufactured system" means an assembly of materials or products that is intended to comprise all or part of a building or structure and that is assembled off site by a repetitive process under circumstances intended to insure uniformity of quality and material content.

"Public school facility" means any building, or any part thereof, of a school, under college grade, owned and operated by a local, regional, or county school district.

"State sponsored code change proposal" means any proposed amendment or code change adopted by the commissioner in accordance with subsection c. of section 5 of P.L.1975, c.217 (C.52:27D-123) for the purpose of presenting the proposed amendment or code change at any of the periodic code change hearings held by the National Model Code Adoption Agencies, the codes of which have been adopted as subcodes under P.L.1975, c.217 (C.52:27D-119 et seq.).

"Stop construction order" means the order provided for in section 14 of P.L.1975, c.217 (C.52:27D-132).

"State Uniform Construction Code" means the code provided for in section 5 of P.L.1975, c.217 (C.52:27D-123), or any portion thereof, and any modification of or amendment thereto.

"Structure" means a combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land; provided the word "structure" shall be construed when used herein as though followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning.

3. This act shall take effect immediately.

Approved December 17, 2018.