

5:23-4.7 Interlocal enforcing agencies—organization

(a) General: Except as is provided in this section, enforcing agencies organized pursuant to this section shall, insofar as is practicable, be organized in the same manner as are municipal enforcing agencies.

(b) Exception: Nothing contained in N.J.A.C. 5:23-4.3, with respect to offices, shall require that only one central office be established pursuant to this section. Whenever municipalities join pursuant to this section, they shall establish offices which are reasonably accessible in terms of distance, location and function.

5:23-4.8 Interlocal enforcing agencies—administration and enforcement

(a) General: Enforcing agencies organized pursuant to this article shall administer and enforce the regulations in the same manner as municipal enforcing agencies.

(b) The provisions of N.J.A.C. 5:23-4.3 regarding conflict of interest shall be applicable to interlocal enforcing agencies, including all municipalities party to the interlocal agreement, to the extent that the agreement covers specific subcode activities.

5:23-4.9 State enforcing agencies—establishment

(a) Department of Community Affairs:

1. The Bureau of Local Code Enforcement in the Division of Codes and Standards is constituted as the enforcing agency for the purpose of administering and enforcing the code in those municipalities which have decided, pursuant to N.J.A.C. 5:23-4.3, not to enforce the code.

2. Pursuant to Reorganization Plan No. 004-1996, the Department is constituted as the sole plan review agency for the administration and enforcement of Federal and State standards applicable to the construction, alternation, demolition or maintenance of health care facilities, as defined in N.J.A.C. 5:23-1.4.

(b) Division of Building and Construction, Department of the Treasury:

1. The Division of Building and Construction is constituted as the enforcing agency for the purpose of performing plan review with respect to buildings owned by the State, and any of its departments, divisions, bureaus, boards, councils, authorities or other agencies.

Administrative Correction to (a)1.

See: 22 N.J.R. 2503(b).

Amended by R.1997 d.417, effective October 6, 1997.

See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).

In (a)1, changed enforcing agency and amended N.J.A.C. references; deleted (a)1i and (c); inserted (a)2; and recodified former (d) as (c).

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (b)1, substituted “performing plan review” for “administering and enforcing the regulation” following “purpose of”; and deleted a former (c).

5:23-4.10 State enforcing agencies—organization

(a) Department of Community Affairs: Units of the Division of Codes and Standards enforcing the State Uniform Construction Code shall be organized, insofar as is practicable, in the same manner as are municipal enforcing agencies.

1. Such units shall employ persons qualified and licensed in accordance with N.J.A.C. 5:23-5.

(b) Other State agencies: Code enforcement functions of the Division of Buildings and Construction may be organized as such division may deem appropriate, but not in a manner inconsistent with the intent of this subchapter.

1. The Division shall employ persons qualified and licensed in accordance with N.J.A.C. 5:23-5.

Administrative Corrections to (a) and (a)1.

See: 22 N.J.R. 2503(b).

Amended by R.1997 d.417, effective October 6, 1997.

See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).

Substantially amended (b).

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (b), deleted references to the Department of Labor throughout.

Amended by R.2001 d.303, effective September 4, 2001.

See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

In (a), substituted “Units of the Division of Codes and Standards enforcing the State Uniform Construction Code” for “The Construction Code Element” in the introductory paragraph, and substituted “Such units” for “The Element” and “licensed” for “certified” in 1; in (b)1, substituted “licensed” for “certified”.

5:23-4.11 State enforcing agencies—administration and enforcement

(a) Department of Community Affairs: The Division of Codes and Standards shall administer and enforce this chapter, insofar as is practicable, in the same manner as a municipal enforcing agency.

1. The conflict of interest provisions contained in N.J.A.C. 5:23-4.5 shall be applicable only to personnel responsible for the administration and enforcement of this chapter and shall not extend to persons otherwise employed by the Division.

(b) Division of Building and Construction, Department of the Treasury: The Division of Building and Construction may administer and enforce the rules as the Division may deem appropriate, but not inconsistent with the intent of this subchapter.

1. The conflict of interest provisions contained in N.J.A.C. 5:23-4.5 shall apply to personnel involved in the administration and enforcement of the rules.

Amended by R.1992 d.243, effective July 6, 1992.

See: 24 N.J.R. 678(a), 24 N.J.R. 2422(a).

Change made to reflect Department organizational changes.

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Amended by R.1997 d.417, effective October 6, 1997.

See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).

Deleted (c); and recodified former (d) as (c).

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

Deleted a former (c).

5:23-4.12 Private on-site inspection and plan review agencies; establishment

(a) The Department shall authorize the establishment of private on-site inspection and plan review agencies, hereinafter called "on-site inspection agencies," for the purpose of contracting with municipalities in order to act in the place of a subcode official for specified subcodes.

1. No person shall undertake the services herein described or enter into any contract pursuant to this chapter without first receiving the authorization of the Department.

i. Except that, applicants who have received notice from the department that their application is complete and suitable for processing may begin to promote or otherwise make their anticipated availability known to municipalities, provided that the applicant discloses in writing at the time of undertaking any such activity, that he has not yet been authorized by the department.

(b) Applicants for authorization as an on-site inspection agency shall submit an application, the required fee, and any additional information the department may require.

(c) Following a determination by the department that an application is complete and suitable for processing, the department shall review and evaluate the information contained in the application and such other information as the department shall deem necessary to enable it to make an accurate and informed determination of approval or disapproval. Within 90 days following the receipt of a completed application, the department shall make its determination as to whether authorization as an on-site inspection agency shall be granted or denied, and shall notify the applicant. In the event of denial, the department shall provide the applicant with a written explanation of the reasons therefor.

(d) The application shall contain information relating to:

1. The financial integrity of the applicant and any of its principal officers.

2. The qualifications of the management and technical personnel of the applicant, including a statement that all technical personnel are certified by the commissioner in accordance with N.J.A.C. 5:23-5.

3. The range of salaries and other compensation of all of the inspectors and other technical personnel of the applicant.

4. The policies and procedures of the applicant for the hiring, training and supervision of all technical personnel, including education and training.

5. The prior experience of the applicant in performing similar or related functions.

6. The capability of the applicant to review plans and specifications and to inspect construction to insure that the completed work is in compliance with the appropriate subcode.

7. A statement that the applicant is not affiliated with, influenced or controlled by any producer, manufacturers, supplier or vendor of products, supplies or equipment used in construction, components or assemblies.

(e) Authorization shall be valid for a period of one year.

(f) Applications for reauthorization shall be filed with the Department at least 60 days prior to the scheduled expiration for the current authorization from the Department. The on-site inspection agency shall make current the information previously submitted to the Department. The on-site inspection agency shall provide such additional information as the Department may request. The application shall be accompanied by the fee established by this chapter. The Department may conduct such additional investigations of the applicant as it may deem necessary.

1. Within 30 days following receipt by the Department of an application for reauthorization, the Department shall make its determination as to whether the on-site inspection agency continues to meet the requirements of this chapter. In the event of disapproval, the Department shall provide the on-site inspection agency with a written explanation of the reasons for such disapproval. Each reauthorization shall expire one year from the date of the current authorization from the Department.

2. The department may, on its own motion or at the request of any on-site inspection agency, grant a temporary reauthorization of such agency for a period not to exceed 60 days.

(g) Existing private electrical inspection authorities, licensed by the Board of Public Utilities pursuant to N.J.A.C. 14:5-7, may continue to operate as inspection authorities for a period of one year from the effective date of this chapter. Thereafter, they shall continue in operation only if authorized in accordance with this chapter, and shall become known as "on-site inspection agencies-electrical".

1. Electrical inspection authorities may continue to operate pursuant to N.J.A.C. 14:5-7 until such time as the municipality contracts directly with an on-site inspection agency-electrical for exclusive services in the municipality or appoints an electrical subcode official. In no case shall existing electrical inspection authorities continue after January 1, 1978, except in conformity with this section.