

[N.J.A.C. 5:23-4.16](#)

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NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

§ 5:23-4.16 Supplemental private on-site inspection agencies

- (a) This section shall not apply for any inspection responsibilities reserved to the State pursuant to [N.J.A.C. 5:23-3.11](#) and [3.11A](#).
- (b) Supplemental private on-site inspection agencies authorized pursuant to [N.J.A.C. 5:23-4.12](#) may perform required, specific inspections for projects or project components pursuant to [N.J.A.C. 5:23-2.17A](#) or [2.18](#), or as needed pursuant to a contract between an enforcing agency and the supplemental private on-site inspection agency.
- (c) In addition to the requirements set forth in this section, supplemental private on-site inspection agencies shall also comply with [N.J.A.C. 5:23-4.12](#), [4.13](#), [4.14](#), [4.15](#), and [4.21](#) for those requirements that relate to inspections.
- (d) An enforcing agency may, at its discretion, enter into a contract with private on-site inspection agencies to conduct on-site inspections on a supplemental or project-specific basis.
1. Contracts between enforcing agencies and supplemental private on-site inspection agencies pursuant to this section shall be considered specialized services allowing for the use of competitive contracting pursuant to *N.J.S.A. 40A:11-4.1*.
 2. A copy of this contract shall be provided to the Department upon entering into the contract.
- (e) An enforcing agency may, at its discretion, authorize an owner, agent, or other authorized person in charge of work to directly contract with a private on-site inspection agency authorized pursuant to [N.J.A.C. 5:23-4.12](#) to perform all inspections on a specific project. Such approval shall be confirmed, in writing, as a part of the permit files.
- (f) In the event an enforcing agency is unable to perform a requested inspection pursuant to [N.J.A.C. 5:23-2.17A](#) or [2.18](#), as applicable, the agency and the owner, agent, or other authorized person in charge of work may agree to a different date and time, which shall be within 30 days of the request for inspection, and shall be agreed upon, in writing, by both parties.
- (g) In the event an enforcing agency is unable to perform a requested inspection pursuant to [N.J.A.C. 5:23-2.17A](#) or [2.18](#), as applicable, and the agency and the owner, agent, or other authorized person in charge of work do not agree to a different date, the owner, agent, or other responsible person in charge of work may choose to contract with a private on-site inspection agency to conduct the requested inspection or inspections.
1. The owner, agent, or other responsible person in charge of work shall notify the enforcing agency, in writing, of any choice to utilize an authorized private on-site inspection agency to conduct the requested inspection or inspections.
 2. In the event of a project with multiple units in one building, this provision shall apply only to the specific unit or units affected by the inspection delay. The owner, agent, or other responsible person in charge of work may choose to utilize the supplemental private on-site inspection agency for the

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remainder of the inspections for the unit or units affected by the inspection delay. The fee for such work shall be agreed upon by the owner, agent, or other responsible person in charge of work and the supplemental private on-site inspection agency.

3. The use of a private on-site inspection agency by an owner, agent, or other responsible person in charge of work, shall be subject to the conflict-of-interest provisions of this subchapter. In addition to those requirements, no private on-site inspection agency shall perform an inspection for any owner, agent, or other responsible person in charge of work if an owner, agent, or other responsible person is currently employed by or affiliated with any individual affiliated with the private on-site inspection agency within the past six months.

4. The enforcing agency shall provide a fee reconciliation to the owner for an inspection completed by a supplemental private on-site inspection agency as a result of a missed inspection.

i. The reconciliation shall be based upon the municipal fee schedule, thus, it shall be based on the fees already paid to the enforcing agency less administrative costs, including the cost entailed in calculating the reconciliation, for the enforcing agency, and shall not exceed the amount already paid for the project, nor shall it exceed the amount that the enforcing agency is authorized to impose for inspections.

ii. This reconciliation shall be performed at the conclusion of the project.

5. In any event, an unforeseen circumstance, such as an illness or accident, shall not be considered a missed inspection so long as the agency performs the inspection as soon as practicable.

(h) If an owner, agent, or other responsible person in charge of work believes an enforcing agency has demonstrated a repeated inability to conduct inspections for a construction project within the required timelines, the owner, agent, or other responsible person in charge of work may notify the Department, in writing, to request authorization to utilize an authorized private on-site inspection agency.

1. Within 15 business days of receiving a notification pursuant to this subsection, the Department shall determine whether the enforcing agency has demonstrated repeated inability, and, if the Department so determines, it shall authorize the owner, agent, or other responsible person in charge of work to utilize an authorized private on-site inspection agency for all or a portion of the necessary inspections for the remainder of the project.

2. Any party in interest aggrieved by the decision of the Department may make an appeal to the Hearing Coordinator, Division of Codes and Standards, Department of Community Affairs, PO Box 802, Trenton, NJ 08625, pursuant to the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq., and [52:14F-1](#) et seq.

History

HISTORY:

Repealed by R.1987 d.374, effective September 21, 1987.

See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).

Section was "Fire limits".

New Rule, R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Section was "Reserved".