

P.L. 2025, CHAPTER 262, *approved January 12, 2026*
Assembly, No. 5265 (*Second Reprint*)

- 1 AN ACT enhancing enforcement of landscape irrigation laws and
2 amending P.L.1991, c.27.
3
- 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6
- 7 1. Section 2 of P.L.1991, c.27 (C.45:5AA-2) is amended to read
8 as follows:
9 2. As used in this act:
10 a. "Board" means the Landscape Irrigation Contractors
11 Examining Board established pursuant to section 5 of P.L.1991,
12 c.27 (C.45:5AA-5).
13 b. "Department" means the Department of **Environmental**
14 **Protection** Community Affairs.
15 c. "Landscape irrigation contracting" means the construction,
16 repair, maintenance, improvement and alteration of any portion of a
17 landscape irrigation system, including required wiring within that
18 system and connection to the required power supply and the
19 installation and connection to a public or private water supply
20 system under the terms and conditions of a contract.
21 d. "Landscape irrigation contractor" means a natural person
22 who is certified to do landscape irrigation contracting.
23 e. "Landscape irrigation contractor certificate" or "certificate"
24 means the certificate issued by the board pursuant to the provisions
25 of this act.
26 f. "Landscape irrigation system" means any assemblage of
27 components, materials or special equipment which is designed,
28 constructed and installed for controlled dispersion of water from
29 any safe and suitable source, including properly treated wastewater,
30 for the purpose of irrigating landscape vegetation or the control of
31 dust and erosion on landscaped areas, including integral pumping
32 systems or integral control systems for manual, semi-automatic or
33 automatic control of the operation of these systems.
34 g. "Business permit" means the permit issued by the board to a
35 person allowing the person to engage in the business of landscape
36 irrigation contracting, pursuant to the provisions of P.L.1991, c.27
37 (C.45:5AA-1 et seq.).
38 h. "Person" means any natural person, corporation, company,
39 partnership, firm, association, and any owner or operator of a
40 permittee.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted May 8, 2025.

²Assembly AAP committee amendments adopted December 18, 2025.

1 i. "Permittee" means a person who has secured a business
2 permit to engage in the business of landscape irrigation contracting,
3 pursuant to the provisions of P.L.1991, c.27 (C.45:5AA-1 et seq.).

4 j. "Local enforcing agency" means the municipal or county
5 construction official and subcode officials provided for in section 8
6 of P.L.1975, c.217 (C.52:27D-126), or section 1 of P.L.2018, c.157
7 (C.52:27D-126.8) regarding a pilot county in the "County Code
8 Enforcement Pilot Program," and assistants thereto.
9 (cf: P.L.2009, c.229, s.1)

10
11 2. Section 6 of P.L.1991, c.27 (C.45:5AA-6) is amended to read
12 as follows:

13 6. The board shall:

14 a. Review the qualifications of an applicant for certification as
15 a landscape irrigation contractor;

16 b. Insure the proper conduct and standards of examinations for
17 the certification of landscape irrigation contractors;

18 c. Issue and renew certificates pursuant to **【this act】** P.L.1991,
19 c.27 (C.45:5AA-1 et seq.) as appropriate;

20 d. Refuse to issue or renew or shall suspend or revoke a
21 certificate issued under **【this act】** P.L.1991, c.27 (C.45:5AA-1 et
22 seq.) pursuant to section 8 of P.L.1991, c.27 (C.45:5AA-8);

23 e. Maintain a registry of landscape irrigation contractor
24 certificates which shall record the name and address of the
25 contractor, the date the certificate was issued, and the number of the
26 certificate;

27 f. Require continuing education for certified landscape
28 irrigation contractors as provided in section 10 of P.L.2009, c.229
29 (C.45:5AA-7.1);

30 g. Review applications for a business permit;

31 h. Issue a business permit to a person engaged in the business
32 of landscape irrigation contracting and define any restrictions or
33 requirements regarding the use of that permit;

34 i. Allow a person to continue to engage in landscape irrigation
35 contracting for a period of up to 180 calendar days after the death,
36 disability or cessation of employment of the responsible certificate
37 holder who qualified the person for a business permit when the
38 board is notified within 30 days of such an occurrence;

39 j. Refuse to issue or renew a business permit or suspend or
40 revoke a business permit in accordance with section 8 of P.L.1991,
41 c.27 (C.45:5AA-8);

42 k. Establish procedures for the registry of a business permit for
43 each person engaged in the business of landscape irrigation
44 contracting;

45 l. Maintain a registry of landscape irrigation contracting
46 business permits which shall include the permittee's name, trade
47 name, business permit number, federal and State tax identification
48 numbers, landscape irrigation contractor's certificate name and

1 certification number, street address and mailing address of the
 2 permittee, phone number of the permittee, and other information the
 3 board deems necessary;

4 m. Adopt, pursuant to the "Administrative Procedure Act,"
 5 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to carry
 6 out the provisions of **【this act】** P.L.1991, c.27 (C.45:5AA-1 et seq.)
 7 and P.L. , c. (pending before the Legislature as this bill); and

8 n. Adopt, pursuant to the "Administrative Procedure Act," fees
 9 for examinations, applications and renewals of certificates or
 10 business permits, and administrative costs associated with verifying
 11 continuing education requirements. These fees shall be prescribed
 12 or changed to the extent necessary to defray the expenses incurred
 13 by the board in the performance of its duties but shall not be fixed
 14 at a level that will raise amounts in excess of the amount estimated
 15 to be so required.

16 (cf: P.L.2009, c.229, s.5)

17
 18 3. Section 9 of P.L.1991, c.27 (C.45:5AA-9) is amended to read as
 19 follows:

20 9. a. If any person violates any provisions of P.L.1991, c.27
 21 (C.45:5AA-1 et seq.), or any code, rule, regulation, or order adopted or
 22 issued pursuant thereto, the board, or the local enforcing agency, may
 23 institute a civil action in a court of competent jurisdiction for
 24 injunctive or any other appropriate relief to prohibit and prevent a
 25 violation or violations and the court may proceed in the action in a
 26 summary manner.

27 b. If any person violates the provisions of P.L.1991, c.27
 28 (C.45:5AA-1 et seq.) or any code, rule, regulation or order adopted or
 29 issued pursuant thereto, the board, or the local enforcing agency, may
 30 assess a civil administrative penalty of not more than **【\$2,500】** \$5,000
 31 for the first offense **【and】**, not more than **【\$5,000】** \$10,000 for the
 32 second offense, and not more than \$15,000 for each subsequent
 33 offense. If the violation is of a continuing nature, each day during
 34 which it continues shall constitute an additional, separate, and distinct
 35 offense. No civil administrative penalty shall be levied except upon an
 36 administrative order issued pursuant to section 10 of P.L.1991, c.27
 37 (C.45:5AA-10). ²**【Thirty】**

38 (1) If the board institutes an action pursuant to this subsection,
 39 100² percent of the revenue derived from each civil administrative
 40 penalty levied pursuant to this subsection shall be ²**【deposited into】**
 41 directed and made available to² the ¹**【General】** ²**【Landscape Irrigation**
 42 Penalty Enforcement¹ Fund, ¹established pursuant to subsection f. of
 43 this section.¹】 board.

44 (2) If a local enforcing agency institutes an action pursuant to this
 45 subsection, 30 percent of the revenue derived from each civil penalty
 46 levied pursuant to this subsection shall be directed and made available
 47 to the board,² and 70 percent of the revenue derived from each civil

1 administrative penalty levied pursuant to this subsection shall be
 2 retained by the municipality or pilot county ¹【penalty】¹ in which the
 3 violation occurred.

4 c. The board is authorized and empowered to compromise and
 5 settle any claim for a penalty in such amount in the discretion of the
 6 board as is appropriate and equitable under all circumstances.

7 d. Any person who violates a provision of P.L.1991, c.27
 8 (C.45:5AA-1 et seq.) or any code, rule, regulation, or order adopted or
 9 issued pursuant thereto, or a court order issued pursuant to subsection
 10 a. of this section, or who fails to pay a civil administrative penalty in
 11 full pursuant to subsection b. of this section, is subject, upon order of
 12 the court, to a civil penalty of not more than ~~【\$2,500】~~ \$5,000 for the
 13 first offense ~~【and】~~, not more than ~~【\$5,000】~~ \$10,000 for the second
 14 offense, and not more than \$15,000 for each subsequent offense.
 15 ²【~~Thirty~~】

16 (1) If the board institutes an action pursuant to this subsection,
 17 100² percent of the revenue derived from each civil penalty levied
 18 pursuant to this subsection shall be ²【deposited into】 directed and
 19 made available to² the ¹【General】 ²【Landscape Irrigation Penalty
 20 Enforcement¹ Fund, ¹established pursuant to subsection f. of this
 21 section,¹】 board.

22 (2) If a local enforcing agency institutes an action pursuant to this
 23 subsection, 30 percent of the revenue derived from each civil penalty
 24 levied pursuant to this subsection shall be directed and made available
 25 to the board,² and 70 percent of the revenue derived from each civil
 26 penalty levied pursuant to this subsection shall be retained by the
 27 municipality or pilot county in which the violation occurred.

28 e. If the violation is of a continuing nature, each day during which
 29 the violation continues, or each day in which the civil administrative
 30 penalty is not paid in full, constitutes an additional, separate and
 31 distinct offense. Any penalty imposed under this section may be
 32 recovered with costs in a summary proceeding pursuant to the "Penalty
 33 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
 34 The Superior Court and the municipal court shall have jurisdiction to
 35 enforce the "Penalty Enforcement Law of 1999" in connection with
 36 P.L.1991, c.27 (C.45:5AA-1 et seq.).

37 ²【¹f. (1) There is established in the Department of
 38 Community Affairs a nonlapsing, revolving fund to be known as the
 39 "Landscape Irrigation Penalty Enforcement Fund." This fund shall be
 40 a repository for revenues from civil penalties levied, including but not
 41 limited to, penalties levied pursuant to P.L.1991, c.27 (C.45:5AA-1 et
 42 seq.), or any code, rule, regulation, or order adopted or issued pursuant
 43 thereto, or a court order issued pursuant to subsection a. of this section,
 44 or pursuant to administrative order issued pursuant to section 10 of
 45 P.L.1991, c.27 (C.45:5AA-10). Monies deposited in the Landscape
 46 Irrigation Penalty Enforcement Fund, and any interest earned thereon,

1 shall be made available to the department for purposes deemed
 2 appropriate by the Commissioner of Community Affairs.

3 (2) Any costs incurred by the department in the collection or
 4 administration of the Landscape Irrigation Penalty Enforcement Fund
 5 may be deducted from the funds deposited therein, as deemed
 6 appropriate by the Commissioner of Community Affairs.¹²

7 (cf: P.L.2009, c.229, s.8)

8
 9 4. Section 10 of P.L.1991, c.27 (C.45:5AA-10) is amended to read
 10 as follows:

11 10. a. Should the board or the local enforcing agency have cause
 12 to believe that any person is in violation of any provision of P.L.1991,
 13 c.27 (C.45:5AA-1 et seq.) or rules and regulations promulgated
 14 pursuant thereto, the board or the local enforcing agency may initiate
 15 an investigation. If upon investigation the board or the local enforcing
 16 agency determines that there has been a violation of the provisions of
 17 P.L.1991, c.27 (C.45:5AA-1 et seq.) or rules and regulations
 18 promulgated pursuant thereto, the board or the local enforcing agency
 19 shall be authorized to:

20 (1) issue a letter of warning, reprimand, or censure with regard to
 21 any act, conduct, or practice which in the judgment of the board or the
 22 local enforcing agency upon consideration of all relevant facts and
 23 circumstances does not warrant an initiation of formal action; ²**[or]**²

24 (2) order any person violating any provision of P.L.1991, c.27
 25 (C.45:5AA-1 et seq.) or rules and regulations promulgated pursuant
 26 thereto to cease or desist from future violations or to take such
 27 affirmative corrective action as may be necessary with regard to any
 28 act or practice found unlawful by the board or the local enforcing
 29 agency; ²**[or]**²

30 (3) order any person found to have violated any provision of
 31 P.L.1991, c.27 (C.45:5AA-1 et seq.) or rules and regulations
 32 promulgated pursuant thereto to restore any person for whom
 33 landscape irrigation contracting work was done to his position prior to
 34 performance of the work; ²**[or]**²

35 (4) assess a civil administrative penalty in accordance with section
 36 9 of P.L.1991, c.27 (C.45:5AA-9);

37 (5) Bring a civil action for injunctive or any other appropriate
 38 relief to prohibit and prevent such violation or violations in accordance
 39 with section 9 of P.L.1991, c.27 (C.45:5AA-9);

40 (6) Bring a civil action for a civil penalty in accordance with
 41 section 9 of P.L.1991, c.27 (C.45:5AA-9); or

42 (7) revoke or suspend a certificate or business permit pursuant to
 43 section 8 of P.L.1991, c.27 (C.45:5AA-8).

44 The use of any of the remedies specified under this section shall
 45 not preclude use of any other remedy specified.

46 b. Any person to which an order or assessment of civil
 47 administrative penalty or a notice of revocation of a certificate or
 48 business permit is issued has 20 days from the receipt of the order to

1 deliver to the board or the local enforcing agency a written request for
2 a hearing. Upon receipt of that request, the board or the local
3 enforcing agency shall determine whether to conduct the hearing itself
4 or refer the matter to the Office of Administrative Law, which shall
5 assign an Administrative Law Judge to conduct a hearing in the form
6 of a contested case pursuant to the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.). If the matter is referred to the
8 Office of Administrative Law, the board or the local enforcing agency
9 shall affirm, reject, or modify the decision within 45 days of receipt of
10 the Administrative Law Judge's initial decision by issuing its own final
11 decision. The board's or the local enforcing agency's action shall be
12 considered the final agency action for the purposes of the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),
14 and shall be subject only to judicial review as provided in the Rules of
15 Court.

16 c. If no hearing is requested, an order becomes a final order upon
17 the expiration of the 20-day period. This final order shall be
18 considered the final agency action for the purposes of the
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),
20 and shall be subject only to judicial review as provided in the Rules of
21 Court. Payment of an administrative penalty is due when a final order
22 is issued or when the order becomes a final order. Pending the
23 determination by the board and upon application by a person to whom
24 an order or notice of revocation is issued, the board or the local
25 enforcing agency may stay operation of an order upon such terms and
26 conditions as it deems proper.

27 (cf: P.L.2009, c.229, s.9)

28
29 5. This act shall take effect immediately.
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34 _____
35 Authorizes enforcement of landscape irrigation law by local
enforcing agency and increases penalties.