



Irrigation Association of New Jersey

June 2, 2026

Dear Local Official:

As President of the Irrigation Association of New Jersey, I wanted to make you aware of legislation that recently became law on January 20, 2026, that impacts your municipality. Specifically, P.L. 2025, Chapter 262 strengthens enforcement of our state's landscape irrigation contractor licensing law by increasing maximum penalties, **allowing "local enforcing agencies" to include municipal and county construction officials and subcode officials**, increasing civil administrative penalties and civil court penalties for violations to \$5,000 (first offense), \$10,000 (second offense) and \$15,000 (subsequent offenses) with each day of a continuing violation treated as a separate offense and allowing municipalities and counties who levy these fines where the violation occurred to retain seventy percent (70 percent) of the fine. The remaining thirty percent (30 percent) of the fine is to be used by the state to support the operations of the Landscape Irrigation Contractors Examining Board established pursuant to section 5 of P.L.1991, c.27 (C.45:5AA-5).

This new law was necessitated by the number of unlicensed irrigation contractors operating in the state, posing safety and liability risks to consumers who contract with these businesses. The Irrigation Association of New Jersey was proud to work with the New Jersey State League of Municipalities, the New Jersey Landscape Contractors Association, and the NJ Nursery & Landscape Association to garner bipartisan support in the Legislature and to thank Governor Murphy for signing this bill into law on his last day in office.

Enclosed is a copy of P.L. 2025, Chapter 262, for your review. I, along with the licensed members of the NJ Irrigation Association, look forward to working with your municipality, through your municipal construction code officials and subcode officials, to ensure the safety of our customers and your residents for years to come.

Should you have any questions regarding P.L. 2025, Chapter 262, please do not hesitate to reach out to Erica Fearn, IANJ Executive Director, at EFearn@ianj.com or 973-850-3366.

Sincerely,

Ron Cannella

Ron Cannella
President, IANJ

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CHAPTER 262

AN ACT enhancing enforcement of landscape irrigation laws and amending P.L.1991, c.27.

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

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

C.45:5AA-2 Definitions.

2. As used in this act:

"Board" means the Landscape Irrigation Contractors Examining Board established pursuant to section 5 of P.L.1991, c.27 (C.45:5AA-5).

"Department" means the Department of Community Affairs.

"Landscape irrigation contracting" means the construction, repair, maintenance, improvement, and alteration of any portion of a landscape irrigation system, including required wiring within that system and connection to the required power supply and the installation and connection to a public or private water supply system under the terms and conditions of a contract.

"Landscape irrigation contractor" means a natural person who is certified to do landscape irrigation contracting.

"Landscape irrigation contractor certificate" or "certificate" means the certificate issued by the board pursuant to the provisions of this act.

"Landscape irrigation system" means any assemblage of components, materials, or special equipment which is designed, constructed, and installed for controlled dispersion of water from any safe and suitable source, including properly treated wastewater, for the purpose of irrigating landscape vegetation or the control of dust and erosion on landscaped areas, including integral pumping systems or integral control systems for manual, semi-automatic, or automatic control of the operation of these systems.

"Business permit" means the permit issued by the board to a person allowing the person to engage in the business of landscape irrigation contracting, pursuant to the provisions of P.L.1991, c.27 (C.45:5AA-1 et seq.).

"Person" means any natural person, corporation, company, partnership, firm, association, and any owner or operator of a permittee.

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

"Local 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.

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

C.45:5AA-6 Duties, powers of board.

6. The board shall:

- a. Review the qualifications of an applicant for certification as a landscape irrigation contractor;
- b. Insure the proper conduct and standards of examinations for the certification of landscape irrigation contractors;
- c. Issue and renew certificates pursuant to P.L.1991, c.27 (C.45:5AA-1 et seq.) as appropriate;
- d. Refuse to issue or renew or shall suspend or revoke a certificate issued under P.L.1991, c.27 (C.45:5AA-1 et seq.) pursuant to section 8 of P.L.1991, c.27 (C.45:5AA-8);

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

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

g. Review applications for a business permit;

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

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

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

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

l. Maintain a registry of landscape irrigation contracting business permits which shall include the permittee's name, trade name, business permit number, federal and State tax identification numbers, landscape irrigation contractor's certificate name and certification number, street address and mailing address of the permittee, phone number of the permittee, and other information the board deems necessary;

m. Adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to carry out the provisions of P.L.1991, c.27 (C.45:5AA-1 et seq.) and P.L.2025, c.262; and

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

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

C.45:5AA-9 Violations, penalties.

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

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

(1) If the board institutes an action pursuant to this subsection, 100 percent of the revenue derived from each civil administrative penalty levied pursuant to this subsection shall be directed and made available to the board.

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

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

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

(1) If the board institutes an action pursuant to this subsection, 100 percent of the revenue derived from each civil penalty levied pursuant to this subsection shall be directed and made available to the board.

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

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

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

C.45:5AA-10 Investigation, authority of board.

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

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

(2) order any person violating any provision of P.L.1991, c.27 (C.45:5AA-1 et seq.) or rules and regulations promulgated pursuant thereto to cease or desist from future violations or

to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board or the local enforcing agency;

(3) order any person found to have violated any provision of P.L. 1991, c. 27 (C.45:5AA-1 et seq.) or rules and regulations promulgated pursuant thereto to restore any person for whom landscape irrigation contracting work was done to his position prior to performance of the work; (4) assess a civil administrative penalty in accordance with section 9 of P.L. 1991, c. 27 (C.45:5AA-9);

(5) bring a civil action for injunctive or any other appropriate relief to prohibit and prevent such violation or violations in accordance with section 9 of P.L. 1991, c. 27 (C.45:5AA-9); (6) bring a civil action for a civil penalty in accordance with section 9 of P.L. 1991, c. 27 (C.45:5AA-9); or

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

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

b. Any person to which an order or assessment of civil administrative penalty or a notice of revocation of a certificate or business permit is issued has 20 days from the receipt of the order to deliver to the board or the local enforcing agency a written request for a hearing. Upon receipt of that request, the board or the local enforcing agency shall determine whether to conduct the hearing itself or refer the matter to the Office of Administrative Law, which shall assign an Administrative Law Judge to conduct a hearing in the form of a contested case pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C.52:14B-1 et seq.). If the matter is referred to the Office of Administrative Law, the board or the local enforcing agency shall affirm, reject, or modify the decision within 45 days of receipt of the Administrative Law Judge's initial decision by issuing its own final decision. The board's or the local enforcing agency's action shall be considered the final agency action for the purposes of the "Administrative Procedure Act," P.L. 1968, c. 410 (C.52:14B-1 et seq.), and shall be subject only to judicial review as provided in the Rules of Court.

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

5. This act shall take effect immediately.

Approved January 12, 2026.