

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Proposed New Rule: N.J.A.C. 5:23-4.16**

**Proposed Amendment: N.J.A.C. 5:23-1.4, 2.17A, 2.18, 4.4, 4.5, 4.6, 4.7, 4.8, 4.12, 4.14, 4.17,  
and 4.18**

Authorized By: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of  
Community Affairs.

Authority: N.J.S.A. 52:27D-119.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2023-076.

Submit written comments by October 6, 2023, to:

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The agency proposal follows:

**Summary**

The Department of Community Affairs (Department) seeks to amend the Uniform  
Construction Code to incorporate the requirements at P.L. 2022, c. 139, regarding supplemental

private on-site inspection agencies. Specifically, the proposed rulemaking provides for expanded use by enforcing agencies of shared services or private on-site inspection agencies, and allows for contractors to utilize private on-site inspection agencies where a municipality fails to meet the required timeframe to perform an inspection.

A section-by-section summary of the proposed amendments follows:

1. At N.J.A.C. 5:23-1.4, a definition of supplemental private on-site inspection agency is added. This definition mirrors the definition of “private on-site inspection agency” within the same section, with the distinction that supplemental private on-site inspection agencies perform inspections related to specific projects or to supplement the inspection staff of an enforcing agency.
2. At N.J.A.C. 5:23-2.17A and 2.18, amendments allow for the enforcing agency and the owner, agent, or other responsible person in charge of work, to agree, in writing, to a time to perform an inspection. Further changes at N.J.A.C. 5:23-2.18 require the request for inspection to be submitted to the enforcing agency in writing.
3. N.J.A.C. 5:23-4.4 is amended to require municipalities to ensure that they are able to meet required inspection timeframes by providing a copy of any contract between another agency or a private on-site inspection agency; this may be done through the use of supplemental shared services or the use of supplemental private on-site inspection agencies, or any other means which the municipality may establish.
4. N.J.A.C. 5:23-4.5 is amended to require enforcing agencies to provide inspection notices; ongoing inspection logs; and other related logs to the Department for review and audit, upon request. Further changes to this section would establish the conflict-of-interest requirements

for supplemental private on-site inspection agencies. These provisions mirror the conflict-of-interest provisions already established pursuant to this section.

5. N.J.A.C. 5:23-4.6 is amended to permit enforcing agencies to enter into supplemental shared services agreements to allow for agencies to meet inspection timeframes. In short, this would allow two municipalities to fill in for one another where one is unable to meet inspection timeframes. Changes at N.J.A.C. 5:23-4.6, 4.7, and 4.8 also replace the term “interlocal” with “shared services,” as the term interlocal is no longer utilized in describing these agreements.
6. Throughout N.J.A.C. 5:23-4.12 and 4.14, changes establish cross-references, where needed, to the requirements at N.J.A.C. 5:23-4.16.
7. N.J.A.C. 5:23-4.16 establishes the requirements for supplemental private on-site inspection agencies, which may perform specific inspections for components or projects. These agencies must comply with the following sections at Subchapter 4, as they are related to inspections performed by private on-site inspection agencies:
  - N.J.A.C. 5:23-4.12, Private on-site inspection and plan review agencies; establishment;
  - N.J.A.C. 5:23-4.13, Private on-site inspection and plan review agencies; organization;
  - N.J.A.C. 5:23-4.14, Private on-site inspection and plan review agencies; administration and enforcement;
  - N.J.A.C. 5:23-4.15, Suspension and revocation; and
  - N.J.A.C. 5:23-4.21, Private enforcing agency authorization and reauthorization fees.N.J.A.C. 5:23-4.16 allows an enforcing agency to enter into a contract with a private on-site inspection agency to conduct on-site inspections on a project-specific basis and requires any

such contract to be provided to the Department. This would allow for municipalities to utilize a private on-site inspection agency to perform any inspection that the enforcing agency is unable to perform. N.J.A.C. 5:23-4.16 also establishes requirements where an enforcing agency is unable to perform a requested inspection in the required timeframes, and the enforcing agency and the owner, agent, or other responsible person in charge of work do not agree on a timeframe for inspection, the owner, agent, or other responsible person in charge of work may choose to contract with a private on-site inspection agency to perform the required inspection. This does not apply in situations where an unforeseen circumstance, such as an illness or an injury, has prevented the enforcing agency from completing the inspection. This change requires the owner, agent, or other responsible person in charge of work to notify the enforcing agency, in writing, of this decision. The section also states that, in the event of a project with multiple units in one building, this section is only applicable to the specific unit or units affected by the inspection delay and clarify the conflict-of-interest requirements applicable to the use of private on-site inspection agencies. Finally, the section sets forth the requirements for any required fee reconciliation, which must be based upon the municipal fee schedule, and shall be undertaken at the conclusion of a project.

N.J.A.C. 5:23-4.16 further establishes a system through which an owner, agent, or other responsible person in charge of work, can notify the Department when they believe an enforcing agency has demonstrated a repeated inability to conduct inspections within the required timeline. The Department must determine, within 15 business days, whether the enforcing agency has demonstrated such inability, and may authorize the owner, agent, or other responsible person in charge of work to utilize a private on-site inspection agency for all or a portion of the necessary inspections for the remainder of the project, if warranted.

8. N.J.A.C. 5:23-4.17 is amended to require the local enforcing agency to include in their annual report, the measures taken to ensure all inspections are performed in a timely manner. It also requires the enforcing agency to disclose any projected work and resourcing needs for the next fiscal year. These additions to the annual report ensure that the Department is apprised of any potential shortages that may impact the enforcing agency's ability to perform inspections in a timely manner.

9. N.J.A.C. 5:23-4.18 is amended to incorporate a reference to supplemental private on-site inspection agencies.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The Department anticipates that the proposed amendments and new rule would have a largely positive social impact. Ensuring that inspections occur in a timely manner is beneficial to owners, developers, and end-users of buildings throughout the State. This rulemaking could lead to a situation where multiple inspectors are involved in a single project, so it will be important for municipal inspectors and inspectors employed by supplemental private on-site inspection agencies to remain in contact and ensure there is no confusion on the job site.

### **Economic Impact**

The proposed rulemaking would impact municipalities where a delay in inspections results in the need for fee reconciliation. Lost money from the municipality may cause a deficit in the budget for the municipality, which may be recuperated by raising fees for other work or services, potentially resulting in higher costs passed to the end-user. Further, there is a cost to owners, agents, or other responsible persons in charge of work when contracting with a

supplemental private on-site inspection agency; however, this is a voluntary cost. The refund to such person would only be a portion of the money based on the municipal fee schedule.

### **Federal Standards Statement**

No Federal standards analysis is required because the amendments and new rule are not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirements.

### **Jobs Impact**

The proposed amendments and new rule are not expected to have a direct impact on the creation or loss of any jobs. As it expands the use of private on-site inspection agencies, there is a possibility that there will be an increase of authorized on-site inspection agencies, or that existing agencies will hire more staff; consequently, this could lead to qualified inspectors leaving municipal jobs and instead working for or establishing private on-site inspection agencies.

### **Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments and new rule, which expand municipal and individual resources regarding the use of private on-site inspection agencies, will have any impact on the agricultural industry.

### **Regulatory Flexibility Analysis**

The proposed amendments and new rule would not impose any recordkeeping or reporting requirements, or any compliance requirements on “small businesses,” as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These changes would create

for expanded use of private on-site inspection agencies, all of which are under the statutory definition of “small businesses.” Those agencies must continue to meet existing requirements.

### **Housing Affordability Impact Analysis**

The proposed amendments and new rule, which expand municipal and individual resources regarding the use of private on-site inspection agencies, are not expected to have an impact on housing affordability or the average cost of housing in the State. This rulemaking is expected to decrease inspection times, which could result in a quicker timeframe for buildings to be market-ready.

### **Smart Growth Development Impact Analysis**

The proposed amendments and new rule are not expected to have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed rulemaking expands municipal and individual resources regarding the use of private on-site inspection agencies. This rulemaking is expected to decrease inspection times, which could result in a quicker timeframe for buildings to be market-ready.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL PROVISIONS

### 5:23-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

**“Supplemental private on-site inspection agency” means a business entity registered as a business in the State of New Jersey and authorized pursuant to N.J.A.C. 5:23-4 to act in lieu of a subcode official or inspector for the purpose of performing an inspection or inspections related to a specific project or to supplement the inspection staff of an enforcing agency.**

...

## SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

### 5:23-2.17A Minor work

(a) - (c) (No change.)

(d) Inspection of minor work:

1. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within [three business] **30** days of the request for inspection, **or other such time within 30 days, as agreed upon by the enforcing agency and the owner, agent, or other responsible person in charge of work;**

i. (No change.)

2. (No change.)

### 5:23-2.18 Inspections



(a) – (b) (No change.)

(c) Notice for inspection:

1. The owner or other responsible person in charge of work shall notify the enforcing agency, **in writing**, when the work is ready for any required inspection specified herein or required by the construction official or appropriate subcode official. This notice shall be given at least 24 hours prior to the time the inspection is desired. This notice shall represent an attestation on the part of the owner, other than single-family owner-occupants performing their own work, or other responsible person in charge of work, that the work has been completed in conformance with the code and is ready for inspection. **The request shall be considered received on the next business day after it was sent if the request was sent outside of normal business hours.**

2. Inspections shall be performed within three business days, **or other such time within 30 days, as agreed upon by the enforcing agency and the owner, agent, or other responsible person in charge of work**, of the time for which it was requested. **The enforcing agency shall notify the owner, agent, or other responsible person in charge of work when the inspection will be performed within 24 hours of official receipt of the notice. The agreed upon time shall be confirmed, in writing, and sent within normal business hours.** The work shall not proceed in a manner which will preclude the inspection until it has been made.

(d)-(i) (No change.)

#### SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

##### 5:23-4.4 Municipal enforcing agencies--organization

(a) – (c) (No change.)

(d) The municipality shall ensure that the enforcing agency has adequate staff to review plans, applications, **and** specifications, and to schedule and perform inspections in a timely manner, **or** that supplemental arrangements are in place pursuant to (e) below.

**1. On or before February 10 of each year, in a municipality that budgets according to the calendar year (January 1 through December 31), or on or before August 10 of each year, in a municipality that budgets according to the State fiscal year (July 1 through June 30), the construction official shall prepare and submit to the Director of the Division of Codes and Standards, a plan documenting the means the enforcing agency will use to meet the expected demand for service in the coming year in order to conduct the inspections to be performed pursuant to N.J.A.C. 5:23-2.17A and 2.18, as applicable, are conducted within the timeframes required by those sections.**

**i. The plan shall include an analysis of expected demand for all services including, but not limited to, review of open permits; development projects pending before the planning board; the historic demand for inspections for minor work, alterations, and additions; and the total number of staff hours necessary to perform the work. The plan is to contain details by each code discipline and shall be provided on Form F XX, established by the Department.**

**ii. The plan shall identify current staffing levels in the enforcing agency and determine whether such staff shall meet the expected demand. If the enforcing agency has entered into a shared services agreement or contracted with an on-site inspection and plan review agency or a private on-site inspection agency, including a supplemental private on-site inspection agency, the plan shall so specify and determine whether such alternative arrangements in addition to enforcing agency staff will meet the expected demand.**

**iii. If the construction official determines that insufficient resources exist within the enforcing agency to meet the forecasted demand, the construction official shall detail the measures that the enforcing agency plans to take to meet expected demand to comply with the requirements at N.J.A.C. 5:23-2.17A and 2.18 and this subsection.**

**(1) If additional staffing is proposed, the plan shall include the amount of such staff and the timetable by which such staff will be hired.**

**(2) If the enforcing agency has entered into a shared services agreement contract or contracted with an on-site inspection and plan review agency or a private on-site inspection agency, including a supplemental private on-site inspection agency, the plan shall so specify.**

**(3) If the construction official plans to enter into new shared services agreements or contract with an on-site inspection and plan review agency or a private on-site inspection agency, including a supplemental private on-site inspection agency, the report shall describe the functions expected to be undertaken by the additional parties to such anticipated agreements.**

**(e) The municipality shall establish a process for ensuring inspections are performed pursuant to N.J.A.C. 5:23-2.17A or 2.18, as applicable. Authorized processes include, but are not limited to, entering into contracts for supplemental shared service agencies pursuant to N.J.A.C. 5:23-4.6 or supplemental private on-site inspection agencies in accordance with N.J.A.C. 5:23-4.16, as a means to offset inspections in order to meet all inspection deadlines.**

**1. Any contract between a local enforcing agency and another agency for supplemental shared services or supplemental private on-site inspection agencies shall detail the nature and projected number of inspections expected to be undertaken during the valid period of the contract.**

**2. The process established may include hiring additional staff to meet the demand for inspections.**

5:23-4.5 Municipal enforcing agencies--administration and enforcement

(a) (No change.)

(b) Forms:

1. – 2. (No change.)

3. The following standardized forms established by the Commissioner are optional for use by the municipal enforcing agency; provided, however, that where they are not used, equivalent forms or mechanisms are used by the enforcing agency to accomplish the same purpose. **These forms, or those equivalent forms used by the enforcing agency, shall be available to the Department for review and audit, upon request:**

Form No.	Name
F200	Inspection Notice
F280	T.C.O. Control Card
F290	Ongoing Inspections Control Card
F300	Ongoing Inspections Schedule
F375	Tickler/X-Ref Card

4.-5 (No change.)

(c) – (i) (No change.)

(j) Conflict of interest:

1. – 4. (No change.)

**5. No person employed by a supplemental private on-site inspection agency that has a contract with a municipal enforcing agency shall knowingly carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or any close relative or household member, or his or her superior within the enforcing agency, or any close relative or household member of such superior, or any other public official or employee having any direct or indirect control over the funding or operations of the enforcing agency, or any household member of any such public official or employee, has an economic interest. For purposes of this paragraph, "close relative" shall mean and include a spouse, sibling, ancestor, or descendant, or the spouse of any of them.**

**i. Where an inspection or enforcement procedure is necessary or required in any such property or business, and there is no other person employed by the enforcing agency who is qualified, pursuant to this subchapter, to perform the inspection or enforcement procedure and who is not a subordinate of the person with the direct or indirect economic interest in such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the Department.**

**ii. A separate log shall be maintained by the enforcing agency of all inspection procedures performed, with regard to any properties or businesses in which any persons working pursuant to a contract with the enforcing agency have a direct or indirect economic interest.**

Recodify existing 5. – 6. as **6. – 7.** (No change in text.)

(k) (No change.)

5:23-4.6 [Interlocal enforcing] **Shared service** agencies—establishment

(a) – (b) (No change.)

**(c) Any two or more municipalities may enter into a supplemental shared services agreement to conduct on-site inspections for the purpose of meeting all required inspection timeframes, in accordance with N.J.A.C. 5:23-2.17A or 2.18, on a project-specific basis.**

5:23-4.7 [Interlocal enforcing] **Shared service** agencies—organization

(a) – (b) (No change.)

5:23-4.8 [Interlocal enforcing] **Shared service** agencies—administration and enforcement

(a) – (b) (No change.)

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 or inspector(s) for specified subcodes **or to provide supplemental private on-site inspections pursuant to N.J.A.C. 5:23-4.16.**

1. (No change.)

(b) – (g) (No change.)

5:23-4.14 Private on-site inspection and plan review agencies; administration and enforcement

(a)-(b) (No change.)

(c) Except as stated in the regulations, an executed contract in accordance with [“] **the** Local Public Contracts Law[”] shall be required between the on-site inspection agency and a municipality prior to the enforcement of any subcode in that municipality by the on-site inspection agency. **Supplemental private on-site inspection agencies pursuant to N.J.A.C.**

**5:23-4.16 shall be considered specialized services allowing for the use of competitive contracting pursuant to N.J.S.A. 40A:11-4.1.**

(d) The on-site inspection agency shall not collect fees from the property owner, his **or her** designated agent, or anyone in his **or her** employ. The municipal construction official shall be the sole agent for the collection of all fees and penalties. **This shall not apply to supplemental private on-site inspection agencies performing inspections for an owner or designated agent pursuant to N.J.A.C. 5:23-4.16.**

(e) – (f) (No change.)

(g) The amount charged to a municipality by a private agency for work subject to a minimum fee [under] **pursuant to** N.J.A.C. 5:23-4.20(c)2, or for certificates of occupancy, certificates of approval, and certificates of continued occupancy shall be the percentage set forth in a contract entered into in accordance with N.J.S.A. 52:27D-124.3, times the amount of the minimum fee or fee for a certificate of occupancy or certificate of approval, times the amount determined in accordance with this subsection. **For agencies utilizing N.J.A.C. 5:23-4.16 for supplemental private on-site inspection agencies, the fees may be established pursuant to N.J.A.C. 5:23-4.18.**

1.-2. (No change.)

(h) – (j) (No change.)

(k) Private enforcing agencies shall charge no fees other than the fees set forth [in] **at N.J.A.C. 5:23-4.20** multiplied by the percentage set forth in the contract between the private agency and the municipality, **unless the supplemental private on-site inspection agency is acting pursuant to N.J.A.C. 5:23-4.16**. Private enforcing agencies shall furnish no services other than subcode enforcement or inspection services to municipalities and shall not receive any payments from municipalities for any other goods or services whatsoever.

5:23-4.16 [(Reserved)] **Supplemental private on-site inspection agencies**

**(a) This section shall not apply for any inspection responsibilities reserved to the State.**

**(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 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.**

5:23-4.17 Municipal enforcing agency fees

(a) (No change.)

(b) On or before February 10 of each year, in a municipality that budgets according to the calendar year (January 1 to December 31), or on or before August 10 of each year, in a municipality that budgets according to the State fiscal year (July 1 to June 30), the construction

official shall, with the advice of the subcode officials and in consultation with the municipal finance officer, prepare and submit to the governing body a report detailing the receipts and expenditures of the enforcing agency and indicating his **or her** recommendations for a fee schedule, based on the operating expense of the agency.

1. – 3. (No change.)

**4. The report shall also include the measures taken by the municipality pursuant to N.J.A.C. 5:23-4.4(e) to ensure inspections are performed in a timely manner. This report shall take into account projected work and agency resource needs for the next budget year.**

(c) – (e) (No change.)

5:23-4.18 Standards for municipal fees

(a) – (i) (No change.)

(j) Fees to be charged by municipalities where private on-site inspection and plan review agencies **or supplemental private on-site inspection agencies** carry out subcode official responsibilities shall not exceed those amounts to be paid to those private agencies for those services, pursuant to the contract between the private agency and the municipality, plus such amount as may be sufficient to cover a proportionate share of administrative costs incurred by the local enforcing agency in connection with inspections performed by private agencies.

(k) – (l) (No change.)