

Housing Affordability Impact Analysis

The proposed amendment, which addresses the placement of warning labels on LPG cylinders, is not expected to affect housing affordability or the average costs of housing in the State.

Smart Growth Development Impact Analysis

The proposed amendment, which addresses the placement of warning labels on LPG cylinders, is not expected to have any impact upon housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus):

SUBCHAPTER 1. GENERAL PROVISIONS

5:18-1.6 Container markings

(a)-(d) (No change.)

(e) Prior to filling any cylinder of four to 40 pounds LP-Gas capacity, except fork lift cylinders, the operator of the fill plant or distribution plant shall affix a label to the collar of the cylinder that includes the following warning printed in English and in Spanish: "Flammable Gas—Never Use or Store Indoors/Gas Inflammable—Nunca Se Use o Guarde Adentro." **In addition to this written warning, a label that graphically depicts the prohibition on bringing a cylinder indoors shall be affixed to the collar of the cylinder.**

(a)

DIVISION OF CODES AND STANDARDS**Uniform Construction Code****Proposed Amendments: N.J.A.C. 5:23-1.4, 2.7, 2.14, and 2.17A**

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

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

Proposal Number: PRN 2017-171.

Submit written comments by October 6, 2017, to:

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The agency proposal follows:

Summary

The Department proposes amendments to the Uniform Construction Code (UCC) for ordinary maintenance (N.J.A.C. 5:23-2.7) and minor work (N.J.A.C. 5:23-2.17A), categories of work that require less oversight than does full permit construction. The rulemaking would also amend the definition of minor work (N.J.A.C. 5:23-1.4) and timeframe for performing an inspection (N.J.A.C. 5:23-2.17A).

Ordinary maintenance is construction work that does not require a construction permit and, therefore, is not inspected. Minor work requires a construction permit, but allows work to begin before the permit has been issued once notice of the work has been given to the local code enforcement agency.

Through these amendments, some work that has been categorized as minor work will be redesignated as ordinary maintenance and some work that has required the submittal of plans will be redesignated as minor work. Standardizing work is expected not only to provide clear direction to all code users, but to result in uniformity of enforcement. A section-by-section summary of these changes follows.

1. At N.J.A.C. 5:23-1.4, Definitions, "prior approvals" would be removed as a restriction from considering a project as minor work. The

local code enforcement agency has been the *de facto* enforcer for rules issued by other State agencies and those enacted by local ordinances. Removing "prior approvals" from the definition of "minor work" will allow applicants to begin work without a permit even when prior approvals are required. It will also remove the UCC as the enforcement mechanism for those requirements for minor work projects. This change will mean that, moving forward, the permit applicant will be responsible for ensuring that the minor work project being undertaken meets State and local requirements that are outside the jurisdiction of the UCC.

2. At N.J.A.C. 5:23-2.7(c)1ii, the current requirement that the installation, repair, or replacement of interior finishes in not more than 25 percent of a single room is designated as ordinary maintenance would be expanded to apply to 25 percent of a one- or two-family dwelling. The Department has determined that limiting the installation, repair, or replacement of interior finishes to 25 percent of a room is unduly restrictive. Requiring plans and a construction permit for the replacement of more than 25 percent of the interior of a dwelling is reasonable. This standard will ensure that work for a substantial renovation or alteration will be inspected to determine code compliance; smaller projects will be required to comply with the UCC, but there will be no inspection to confirm compliance.

3. At N.J.A.C. 5:23-2.7(c)1v, the installation of windows and doors would be removed from the work covered under ordinary maintenance. There has been confusion as to whether the "installation" of doors and windows included the installation of additional doors or windows that did not exist before the project started. Because the installation of new doors or windows may impact fire safety and structural safety, a permit is required. Removing "installation" would eliminate the confusion that currently exists. The "replacement" of doors or windows within the same opening would continue to be ordinary maintenance.

4. At N.J.A.C. 5:23-2.7(c)1vi, the repair or replacement of non-structural components, such as partitions, would be revised for clarity. The Department has received questions as to the meaning of "partition railing." This amendment would make it clear that partitions in one- or two-family dwellings may be repaired or replaced as ordinary maintenance. The scope of this provision is being limited to one- or two-family dwellings because partitions are used in commercial buildings to divide space and altering the installation of those partitions can compromise required egress and can also compromise access for people with disabilities.

5. Proposed new N.J.A.C. 5:23-2.7(c)1vii would designate the "repair, replacement, or installation of non-structural elements, such as cabinets" as ordinary building maintenance. Questions have resulted from combining the requirements for "partition railings" and "cabinets." They would be separated for clarity.

6. At recodified N.J.A.C. 5:23-2.7(c)1viii, "installation" of trim, decoration, or moldings would be added to "repair or replacement" as ordinary maintenance. There have been questions as to whether the "installation" of trim should require a permit; upon review, the Department has determined that it would be reasonable to designate the installation of trim, decoration, or moldings as ordinary maintenance.

7. At recodified N.J.A.C. 5:23-2.7(c)1ix, the "repair" of flooring material would be added to ordinary maintenance. Because these subparagraphs distinguish among "installation," "replacement," and "repair," this amendment would state that the repair of flooring, the most basic level of work, is ordinary maintenance.

8. At recodified N.J.A.C. 5:23-2.7(c)1x, the "replacement" of existing roofing material would be added to ordinary maintenance and the requirement that the material replaced may not exceed 25 percent within a 12-month period would be deleted; the scope would be limited to one- and two-family dwellings. This requirement was originally intended to ensure that the roof covering used to repair or replace a roof would not exceed the weight the building was designed to support. Because construction work must comply with the UCC and permits and inspections are tools to ensure compliance, the decision at hand is whether permits and inspections should be required for roofing repair or replacement. In response to questions asked about the value-added of roofing inspections, the Department has determined that the replacement or repair of a roof on a one- or two-family dwelling should be designated as ordinary maintenance.

9. At recodified N.J.A.C. 5:23-2.7(c)1xi, three changes are proposed: The “replacement” of existing siding would be added to “repair” as ordinary maintenance; the requirement that the material being repaired or replaced not exceed 25 percent within a 12-month period would be deleted; and the scope would be limited to one- and two-family dwellings. The amendment also adds an exception for polypropylene siding because it is highly flammable. As with the repair or replacement of roofing, whether the repair or replacement of siding should be ordinary maintenance or should require a permit hinges on whether there is significant value added by siding inspections. When answering questions about this requirement, the Department has decided to propose deleting this requirement while emphasizing that compliance with the UCC is still required. There is a companion change at new N.J.A.C. 5:23-2.7(c)1xii, which would designate the repair or replacement of up to 25 percent of the siding in a 12-month period on any building other than a one- or two-family dwelling as ordinary maintenance. The same exception for polypropylene siding is proposed for the repair or replacement of siding on other than one- or two-family dwellings. The Department has determined that the repair or replacement of siding on one- or two-family dwellings poses few safety concerns, whereas, other buildings, including multifamily dwellings and commercial structures, have more restrictions on the type of materials that may be used and how they are installed. Therefore, designating the repair or replacement of siding (other than polypropylene) on one- or two-family dwellings is reasonable; limiting the designation for other, more complex structures is also reasonable.

10. At recodified N.J.A.C. 5:23-2.7(c)1xiii, the repair or replacement of a deck would be added to the existing designation of the repair or replacement of a porch or stoop as ordinary maintenance. In this amendment, the Department seeks to limit the scope to decks, porches, or stoops that are not more than 30 inches above grade; 30 inches is the height of open sided walking surfaces that require guardrails according to section R312 of the International Residential Code (IRC) 2015, New Jersey Edition. Decks are similar to porches and stoops and should be subject to the same requirements for consistency.

11. At recodified N.J.A.C. 5:23-2.7(c)1xiv, “repair” would be added as ordinary maintenance for screens. The section already covers the replacement or installation of screens. For consistency throughout the section on ordinary maintenance, the Department would add “repair.”

12. At recodified N.J.A.C. 5:23-2.7(c)1xv, the type of insulation that may be installed as ordinary maintenance would be expanded by removing the limitation that it be “roll or batt” insulation; a limiting exception would be added foam plastic insulation. The existing provision that applies only to roll and batt insulation was adopted because roll and batt is installed in smaller portions than are other forms of insulation. At this time, it has been determined that other types of insulation, with the exception of foam plastic insulation, have become more commonly used and, with the resulting expertise that has been gained, may also successfully be installed as ordinary maintenance. Foam plastic insulation is not included as ordinary maintenance because it requires a thermal barrier layer that other insulation types do not require and noncompliant installation would present a fire safety issue.

13. At recodified N.J.A.C. 5:23-2.7(c)1xvi, “repair” and “installation” of exterior gutters and leaders would be added to their “replacement” as ordinary maintenance. The Department has determined that the installation or replacement of gutters and leaders that are wholly external could be designated as ordinary maintenance because their failure would not catastrophically compromise the building; systems that are internal would continue to require a construction permit.

14. At N.J.A.C. 5:23-2.7(c)2i, the scoping for the replacement of hose bib valves (such as outdoor water faucets) as ordinary maintenance would be expanded from single-family dwellings to all structures. Hose bib valves give access to the water source and are sufficiently similar in residential and commercial buildings to warrant the same treatment. It is, therefore, reasonable to designate the replacement of hose bib valves in all structures as ordinary maintenance.

15. At N.J.A.C. 5:23-2.7(c)2iv, the limitation for the repair of leaks involving pipes to be performed “between two adjacent joints only” would be removed and the repair of leaks more generally would be designated as ordinary maintenance. This section deals with repairing

leaks; it is reasonable to allow leaks to be repaired as ordinary maintenance where they occur even where multiple joints are involved.

16. At N.J.A.C. 5:23-2.7(c)2vii, the limitation for the replacement of valves (including bath/shower valves) to single-family dwellings would be expanded to allow their replacement in any structure as ordinary maintenance. The Department has determined the replacement of valves is sufficiently similar in residential and commercial buildings to warrant the same treatment. It is, therefore, reasonable to designate the replacement of valves in all structures as ordinary maintenance.

17. At N.J.A.C. 5:23-2.7(c)2ix, the exception that prevents the replacement of traps related to culinary sinks in food handling establishments from being categorized as ordinary maintenance would be deleted. While the original exception was in place because culinary sinks require an air gap, the Department does not think that an inspection for this adds sufficient value to require a permit.

18. At N.J.A.C. 5:23-2.7(c)2x, the list of plumbing fixtures would be removed and replaced with a general reference to “fixtures” for simplification. At the same time, the requirement for water closets to be of a capacity that averages 1.6 gallons or less would be removed. Water closets now commonly use 1.6 gallons of water or less per flush and, therefore, the requirement has become outdated.

19. At N.J.A.C. 5:23-2.7(c)2xi, the replacement of domestic dishwashers would be designated as ordinary maintenance. The Department has determined that the replacement of larger sized commercial dishwashers warrants an inspection, whereas, the replacement of domestic dishwashers is more reasonably designated as ordinary maintenance.

20. At N.J.A.C. 5:23-2.7(c)3i, the replacement of receptacles, switches, or lighting fixtures that do not contain emergency battery packs would be designated as ordinary maintenance. The existing rule does not qualify lighting fixtures, but because emergency battery packs are relied upon for emergency lighting, the Department has determined that greater safety considerations are appropriate for those installations. In addition to this amendment, the citations from the National Electrical Code (NEC)/2014, which is adopted as the electrical subcode, would be updated for accuracy.

21. At N.J.A.C. 5:23-2.7(c)3iii, a redundant reference to “communications wiring” would be removed.

22. At N.J.A.C. 5:23-2.7(c)3v and (c)3vii, the requirement that the replacement of kitchen range hoods be allowed without a permit only in single-family dwellings would be expanded to all dwellings, as long as the capacity is not increased and the range hood is vented directly to the exterior. During the review of this rule, it became clear that establishing a performance standard, rather than simply providing a limitation based on occupancy classification, was more reasonable. This standard ensures that range hoods may be replaced as ordinary maintenance, as long as the hood vents directly to the exterior, which will control the spread of odors, and has a capacity of not more than 400 cubic feet per minute (cfm), which is a size used in dwellings and is the threshold at which a system needs to be provided with make-up air in accordance with Section M1503.4 of the International Residential Code (IRC)/2015, which is adopted as the one- and two-family dwelling subcode of the UCC, and Section 505.2 of the International Mechanical Code (IMC)/2015, which is adopted as the mechanical subcode of the UCC.

23. Proposed new N.J.A.C. 5:23-2.7(c)3vi would designate the installation of burglar alarms, security systems, or doorbells as ordinary maintenance in one- and two-family dwellings. Currently, this work is categorized as minor work for all structures. It would remain minor work for structures other than one- and two-family dwellings. The systems used in one- and two-family dwellings are less complex than those used in larger structures and may be reasonably designated as ordinary maintenance.

24. Proposed new N.J.A.C. 5:23-2.7(c)3vii designates the installation of irrigation landscape units under 30 volts as ordinary maintenance. These are plug-in systems, so a construction permit and inspection is not warranted.

25. At N.J.A.C. 5:23-2.7(c)4i, “smoke alarms” would be added to the list of detection devices that may be replaced as ordinary maintenance. This amendment is being made to ensure that all types of alarm systems are addressed the same way in the UCC.

26. At N.J.A.C. 5:23-2.7(c)4iii, “smoke detectors” would be replaced by “smoke alarms” for consistency of terminology. The term commonly used in the national model codes is “smoke alarms.”

27. At N.J.A.C. 5:23-2.7(c)5vii, the amendment clarifies that the clothes dryers that may be replaced in dwelling units as ordinary maintenance are domestic, not commercial, clothes dryers. This designation applies, as long as there is no increase in pipe size, fuel type, or electrical characteristics. This same change is made to N.J.A.C. 5:23-2.7(c)5viii with regard to stoves and ovens in dwelling units.

28. Proposed new N.J.A.C. 5:23-2.7(c)5ix designates the application of liquid applied lining material inside an existing chimney as ordinary maintenance. The installation of liquid applied lining material as a sealant is a straightforward process with little opportunity for inspection after installation.

29. At N.J.A.C. 5:23-2.14(b)8, the size of garden-type utility sheds and similar structures for which a construction permit is not required increases from 100 to 200 square feet. Garden-type utility sheds are allowed to be installed without a foundation other than to be of sufficient weight to hold the structure down. In addition, many garden-type utility sheds that are currently available exceed the current maximum size of 100 square feet; many of these sheds are pre-manufactured and are installed on-site with no utilities attached. The installation itself is not complex and is not complicated by utility connections. Therefore, expanding this provision to larger sheds is reasonable.

30. At N.J.A.C. 5:23-2.17A(b)1 and 2, the amendment would change the section on how to provide notice to the local enforcing agency that a minor work project has begun to reflect more recent technology. The amendment would also delete the requirement that the notice be submitted between 9:00 A.M. and 5:00 P.M., which loses relevance when communication is electronic. Finally, reflecting standard practice, this subsection would also be amended to specify that the permit application fee be paid prior to the issuance of the construction permit, and not when the application is submitted.

31. At N.J.A.C. 5:23-2.17A(c)1i, the proposed amendment would designate the construction or total replacement of a deck as minor work. In this amendment, the Department seeks to limit the scope to decks, porches, or stoops that are not more than 30 inches above grade; 30 inches is the height of open-sided walking surfaces that require guardrails according to section R312 of the International Residential Code (IRC) 2015, New Jersey Edition. Decks would be added to the current designation of the construction or total replacement of a porch or stoop as minor work. Decks, porches, and stoops are similar building elements and should be subject to the same requirements and designations.

32. At N.J.A.C. 5:23-2.17A(c)1iii, the removal and replacement of more than 25 percent of the exterior siding of a one- or two-family dwelling is being redesignated as ordinary maintenance (See paragraph 9 above). The repair, replacement, or installation of any non-structural component in structures other than one- and two-family dwellings would be classified as minor work, as long as there is no reconfiguration of space. Such a replacement would not impact the established and code-compliant means of egress and would not impact accessibility for people with disabilities. The reconfiguration of space using partitions would require a permit in advance of beginning the work because of the importance of compliant means of egress and the need to provide a compliant accessible route of travel for people with disabilities.

33. Proposed new N.J.A.C. 5:23-2.17A(c)1iv is relocated from existing N.J.A.C. 5:23-2.17A(c)8. This provision is a scoping provision that is more appropriately codified at the beginning of the section on minor work.

34. At N.J.A.C. 5:23-2.17A(c)2, the reference to “low pressure” water heaters has been deleted because there is no clear definition of “low pressure water heaters.” Replacement of water heaters would be allowed, as long as the replacement fixture is “of like capacity.” The amendment would also replace a list of specific types of fixtures with the generic term “fixtures,” to ensure that it is clear that replacement of any plumbing fixture, and not only those that are explicitly mentioned, is deemed to be minor work.

35. At N.J.A.C. 5:23-2.17A(c)3, “low pressure” boilers would be deleted because “low pressure” is not needed; the jurisdiction for high

pressure boilers lies with the Department of Labor and Workforce Development. Boilers that are below the threshold of a high pressure boiler are under the jurisdiction of the UCC. Replacement of boilers would be allowed, as long as the replacement fixture is “of like capacity.”

36. N.J.A.C. 5:23-2.17A(c)4 would replace the specified voltage limitations with a broader reference to “outlets,” would specify that “fishing” shall be designated as minor work regardless of the number of fixtures or receptacles involved, and would limit the replacement of existing wiring with new wiring of the same capacity to one- and two-family dwellings. This type of electrical work is minor and may be begun, as minor work allows, with notice to the local enforcing agency, the issuance of a permit, and an inspection.

37. At N.J.A.C. 5:23-2.17A(c)5ii, the scope of the installation of radon mitigation systems would be expanded to apply to all structures, as long as there is no new electrical work. Radon mitigation systems are installed in existing buildings; the installers are licensed by the Department of Environmental Protection (DEP). These installations have been successfully allowed as minor work in one- or two-family dwellings; it is appropriate to allow their installation in all structures.

38. At N.J.A.C. 5:23-2.17A(c)5iii, “doorbell” would be added to burglar alarms and security systems as items that may be installed as minor work in structures other than one- and two-family dwellings. This work has been designated as ordinary maintenance when it is performed on one- and two-family dwellings (See paragraph 24 above). The amendment would create an exception for controlled, delayed, or sensor released egress doors, which are critical components of safe evacuation in an emergency.

39. At N.J.A.C. 5:23-2.17A(d)1, reflecting the concern for safety inherent in the inspection requirements, the inspection timeframe would be changed from within 30 days to within three business days after completion of the work.

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

Social Impact

The amendments to N.J.A.C. 5:23-1.4, 2.7, 2.14, and 2.17A would have a positive social impact by eliminating permit requirements for work designated as ordinary maintenance and by clarifying ordinary maintenance and minor work designations. Clarity of requirements results in uniformity of enforcement, which is a benefit to all code users and to code enforcement officials.

Economic Impact

The amendments are expected to have a positive economic impact. Some work is being reclassified as ordinary maintenance, so that no permits will be required and no inspections will be performed. The additional clarity of designating work as ordinary maintenance or minor work will improve uniformity of understanding by all code users and consistency of enforcement among all code enforcement officials.

Federal Standards Statement

No Federal standards analysis is required because the amendments 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, standards, or requirements.

Jobs Impact

These amendments are not expected to have an impact on jobs. Because the work being categorized and recategorized is ordinary maintenance and minor work, it is not anticipated that jobs will be either generated or lost. The work addressed by this rule are, generally speaking, work projects that homeowners may perform themselves or are small projects that would not generate jobs.

Agriculture Industry Impact

These amendments are not expected to have an impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments address accountability standards related to construction. Some construction companies and many contractors are “small businesses” as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These amendments do not impose reporting or recordkeeping, nor do the proposed amendments create a need for other professional services. The amendments may affect compliance requirements, as discussed in the Summary above.

Housing Affordability Impact Analysis

These rules, which address ordinary maintenance and minor work in existing buildings, are not expected to affect the affordability of housing or evoke a change in the average costs of housing.

Smart Growth Development Impact Analysis

These amendments, which address ordinary maintenance and minor work in existing buildings, apply to small projects only and would be not be likely to have any impact upon housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

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.

... “Minor work” means construction work undertaken in existing structures, requiring [no prior approvals and] no plan review, not altering in any way the structural members of a building and meeting the definition set forth in N.J.A.C. 5:23-2.17A.

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT;
PROCESS

5:23-2.7 Ordinary maintenance

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

(c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1. Ordinary building maintenance shall include:

i. (No change.)

ii. Installation, repair, or replacement of [any] interior finishes of less than 25 percent of the wall area [in any given room] in a one- or two-family dwelling. This shall include plastering and drywall installation;

(1)-(2) (No change.)

iii.-iv. (No change.)

v. The [installation and] replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. The [installation and] replacement of means of egress and emergency escape windows and doors may be made in the same opening without altering the dimensions or framing of the original opening, and shall not reduce the required height, width, or net clear opening of the previous window or door assembly;

vi. The repair or replacement of any non-structural [member] **component**, such as a partition [railing or kitchen cabinet] **in one- and two-family dwellings**;

vii. The repair, replacement, or installation of any non-structural elements, such as cabinets;

[vii.] **viii.** The repair, [or] replacement, **or installation** of any interior or exterior trim, decoration, or moldings;

[viii.] **ix.** The **repair**, replacement, or installation of any flooring material with a new material;

[ix.] **x.** The **repair or replacement** of existing [roofing material not exceeding 25 percent of the total roof area within any 12 month period] **roof covering on one- and two-family dwellings**;

[x.] **xi.** The **repair or replacement** of existing siding [with like material not exceeding 25 percent of the total building exterior wall area within any 12 month period;] **on one- and two-family dwellings**.

(1) Exception: The repair or replacement of polypropylene siding shall not be ordinary maintenance;

xii. The repair or replacement of existing siding with like material not exceeding 25 percent of the total building exterior wall area in other than one- and two-family dwellings.

(1) Exception: The repair or replacement of polypropylene siding shall not be ordinary maintenance;

[xi.] **xiii.** The repair or replacement of any [part of a] **deck**, porch, or stoop [which] **that** does not [structurally] **provide structural** support [a] **for any roof [above] or portion of a building and is not greater than 30 inches above grade level and which is measured from the edge of the deck to any point within 36 inches horizontally to the edge of the open side;**

[xii.] **xiv.** The **repair**, replacement, or installation of screens;

[xiii.] **xv.** The installation of [any roll or batt] insulation, **except foam plastic insulation**, when installed adjacent to or not more than one and a half inches from an interior finish; and

[xiv.] **xvi.** [Replacement] **The repair, replacement, or installation** of exterior [rain water] gutters and leaders.

2. Ordinary plumbing maintenance shall include:

i. Replacement of hose bib valves [in single family dwellings]. Replacement hose bib valves shall be provided with an approved atmospheric vacuum breaker;

ii.-iii. (No change.)

iv. Repair of leaks involving the replacement of piping [between two adjacent joints only];

v.-vi. (No change.)

vii. Replacement of valves (including shower or combination bath/shower valves [in a single family dwelling]);

viii. (No change.)

ix. Replacement of traps [except for traps on culinary sinks in food handling establishments];

x. Replacement of [a water closet, and/or lavatory, and/or bathtub or shower unit and/or kitchen sink in a single family dwelling] **fixtures** with [an approved] **a** similar fixture provided that no change in the piping arrangement is made[. Replacement water closets bearing a date stamp of July 1, 1991 or later must use an average of 1.6 gallons or less of water per flushing cycle]; and

xi. Replacement of domestic clothes washers and **domestic** dishwashers.

3. Ordinary electrical maintenance shall include:

i. The replacement of any receptacle, switch, or lighting fixture [rated at 20 amps or less and operating at less than 150 volts to ground] **not containing emergency battery packs** with a like or similar item, including receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant are required (Sections 210.8, [406.8 and 406.11.] **406.9(A), 406.9(A)(1), and 406.12**, respectively, of the electrical subcode);

ii. (No change.)

iii. Installation of communications wiring [for communications wiring] in a Class 3 structure, provided that the rearrangement does not involve penetration of a fire-rated assembly and is not in a hazardous location as defined in Chapter 5 of the electrical subcode;

(1) For the purposes of applying these provisions, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode, such as telephone, radio antenna, or coaxial cable TV wiring. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as “communications circuits,” in accordance with Article 725 of the electrical subcode; [and]

iv. Replacement of domestic dishwashers; [and]

v. Replacement of kitchen range hoods in [single family] dwellings **provided that the hood is vented directly to the building exterior and not to a common shaft or is of a recirculating type and provided that the output does not increase the former capacity above 400 cubic feet per minute (cfm)**;

vi. The installation of a burglar alarm, security system, or doorbell in one- and two-family dwellings; and

vii. The installation of a plug-in landscape irrigation unit under 30 volts at one- or two-family dwellings.

4. Ordinary fire protection maintenance shall include:

i. The replacement of any sprinkler or smoke alarm, smoke detector, or heat detector head with a like device;

ii. (No change.)

iii. The installation of battery-powered smoke [detectors] alarms; and

iv. (No change.)

5. Ordinary heating, ventilation, and air conditioning maintenance shall include:

i.-iii. (No change.)

iv. Repair of air conditioning equipment and systems; [and]

v. Repair or replacement of control devices for heating and air conditioning equipment; [and]

vi. Replacement of kitchen range hoods in [single family] dwellings[.] **provided that the hood is vented directly to the building exterior and not to a common shaft or is of a recirculating type and provided that the output does not increase the former capacity above 400 cubic feet per minute (cfm);**

vii. Replacement of domestic clothes dryers serving, and located within, dwelling units, provided that no change in fuel type, pipe size, or location or electrical characteristics is required[.];

viii. Replacement of domestic stoves and domestic ovens in dwelling units, provided no change in fuel type, pipe size, or location or electrical characteristics is required[.]; **and**

ix. **The application of liquid applied lining material inside an existing chimney.**

6. (No change.)

5:23-2.14 Construction permits—when required

(a) (No change.)

(b) The following are exceptions from (a) above:

1.-7. (No change.)

8. A construction permit for building work shall not be required for garden-type utility sheds and similar structures that are [100] **200** square feet or less in area, 10 feet or less in height, and accessory to buildings of Group R-2, R-3, R-4, or R-5 and which do not contain a water, gas, oil, or sewer connection. A construction permit for electrical work shall be required, when applicable.

9.-10. (No change.)

(c)-(g) (No change.)

5:23-2.17A Minor work

(a) (No change.)

(b) Notice of work; application:

1. Notice of minor work shall be [a personal or telephoned oral notice] **oral or written and submitted in person or electronically to local enforcement agency and shall be given** before work commences[. This oral notice shall be provided to the enforcing agency between 9:00 A.M. and 5:00 P.M., Monday through Friday, except holidays. In those cases where the local enforcing agency is not open and available to receive notice at those times then notice shall be provided to the municipal clerk];

2. In addition to [oral] **the** notice, the owner or his **or her** agent shall be required to file [an] **a permit** application. The completed **permit** application [with the fee] shall be delivered in person or by mail to the enforcing agency, within five business days from the date of the [oral] notice. **The fee shall be paid prior to the issuance of the construction permit.**

(c) Minor work:

1. Minor work shall mean and include:

i. The construction or total replacement of any deck, porch, or stoop [which] **that** does not provide structural support for any roof or portion of a building **and is not greater than 30 inches above grade level and which is measured from the edge of the deck to any point within 36 inches horizontally to the edge of the open side;**

ii. (No change.)

iii. The removal and replacement of more than 25 percent of the exterior siding of a one or two-family dwelling[.];

iii. Repair, replacement, or installation with no reconfiguration of any non-structural component such as a partition in structures other than one- and two-family dwellings;

iv. Repair and/or renovation work in a Group B, Group F, Group M, or Group S occupancy performed in accordance with N.J.A.C. 5:23-6, but shall not include work categorized as ordinary maintenance pursuant to N.J.A.C. 5:23-2.7;

2. Minor work shall also mean and include the replacement of any existing plumbing piping work with new and approved material of like capacity; the installation of drinking fountains and condensate drains in existing structures; the replacement of existing [low pressure] water heaters with new ones of like capacity; and the new installation of [lavatories, water closets, bathtubs, showers, clothes washers or dishwashers, and garbage disposers] **fixtures** in existing space of [one and two-family] dwellings where the new installation of additional fixtures can be accommodated with no increase in the size of the water distribution system, water service, or house drain;

3. Minor work shall also mean and shall include the replacement of existing [low pressure] boilers, warm air furnaces, air conditioning units, and air conditioning condensing units with new appliances of like capacity;

4. Minor work shall also mean and include new electrical work incidental to the installation of air conditioning, equipment, clothes dryers, and ranges or ovens in one and two-family dwellings; the installation of five or fewer [125 or 250 volt receptacles or fixtures] **outlets** where existing circuits and/or available space for circuits and service are adequate to support the load **in one and two-family dwellings (fishing shall be considered minor work regardless of the number of fixtures/receptacles);** the replacement of existing wiring with new wiring of the same capacity **in one- and two-family dwellings** provided that the new wiring shall be of a type approved for the use by the code;

5. Minor work shall also mean and include the following:

i. (No change.)

ii. The installation of a radon mitigation system [in an existing one-or two-family dwelling] **provided no new electrical work is required;**

iii. The installation of a burglar alarm [or], security system, **or doorbell** in [any structure;] **structures other than one- and two-family dwellings.**

(1) Exception: Controlled, delayed, or sensor released egress doors;

iv.-v. (No change.)

6.-7. (No change.)

[8. Minor work shall mean and include repair and/or renovation work in a Group B, Group F, Group M, or Group S occupancy performed in accordance with N.J.A.C. 5:23-6, but shall not include work categorized as ordinary maintenance pursuant to N.J.A.C. 5:23-2.7.]

(d) Inspection of minor work:

1. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within [30 days] **three business days** of the request for inspection;

i. (No change.)

2. (No change.)