

COMMUNITY AFFAIRS

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendment: N.J.A.C. 5:23-2.34

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

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

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

Proposal Number: PRN 2017-091.

Submit written comments by August 4, 2017, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax Number: (609) 984-6696
E-mail: geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The Department of Community Affairs (Department) proposes amendments to the Uniform Construction Code, at N.J.A.C. 5:23-2.34, modeled on a Jersey City ordinance and the requirements in place in New York City. The proposed amendments expand on the precautions to be taken during construction activities in order to improve public safety around construction sites. Most significantly, the proposed amendments address safety concerns related to the usage of crane equipment.

The section heading and the text of N.J.A.C. 5:23-2.34(a) are proposed for amendment to add "public rights of way" to describe more accurately what is covered by this section. N.J.A.C. 5:23-2.34(b) is proposed for relocation as N.J.A.C. 5:23-2.34(a)1 and the subordinate sections have been recodified.

At N.J.A.C. 5:23-2.34, the existing text of N.J.A.C. 5:23-2.34(d) is proposed for relocation as N.J.A.C. 5:23-2.34(a)2.

At N.J.A.C. 5:23-2.34(b), the proposed amendments require that, for certain projects, safeguarding measures be submitted for review and approval prior to the issuance of a construction permit for the portion of the work requiring the safeguarding measures; and where necessary, sidewalk or street bridging, designed in accordance with the applicable requirements of the building subcode, be installed over affected areas to increase public safety.

The proposed amendment lists the applicable sections of Chapter 33 of the building subcode to establish minimum safeguards during construction for a building subject to the one- and two-family dwelling subcode.

Proposed new N.J.A.C. 5:23-2.34(c) lists the measures that are to be taken for certain cranes to protect adjoining property and public rights of way from hazards to life or property. The proposed amendments state that such measures may be omitted where the crane placement is such that failure would impact only the construction site itself.

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 proposed amendments expand on and better define the precautions to be taken to protect the public from safety hazards inherent in construction work and the usage of cranes. It is anticipated that the proposed amendments would have a positive social impact in that they would provide rules for protecting adjoining properties and public rights of way from certain hazards of construction work.

Economic Impact

The proposed amendments expand on and better define the precautions to be taken to protect the public from safety hazards inherent in construction work and the usage of cranes. While the Department

anticipates and expects that construction work is performed responsibly and with an eye toward public safety, any company not already following these or similar safeguards will incur additional costs.

Federal Standards Statement

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

Jobs Impact

The proposed amendments expand on and better define the precautions to be taken to protect the public from safety hazards inherent in construction work and the usage of cranes. As such, the proposed amendments are not expected to result in the generation of or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would impact the agriculture industry in the State. The proposed amendments expand on and better define the precautions to be taken to protect the public from safety hazards inherent in construction work and the usage of cranes.

Regulatory Flexibility Analysis

The proposed amendments address the precautions to be taken during construction. Many construction companies are "small businesses" as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. However, the proposed amendments involve public safety, and therefore, there is no basis for differential treatment of small businesses. Businesses may need to engage the services of a design professional in order to supply documentation for operation of a crane and comply with the proposed amendments and may be required to maintain weekly reports as set forth in the Summary above. No additional recordkeeping requirements are created by these proposed amendments, nor do the proposed amendments create a need for other professional services.

Housing Affordability Impact Analysis

The proposed amendments are intended to make changes with respect to safety precautions at construction sites, particularly where cranes are in use, and, therefore, the rules proposed for re-adoption with amendments would not evoke a change in the average costs associated with housing, nor would they have an effect on the affordability of housing.

Smart Growth Development Impact Analysis

The proposed amendments make changes with respect to safety precautions at construction sites, particularly where cranes are in use, and therefore they would not be likely to have any impact upon housing production within Planning Areas 1 and 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 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.34 Protection of adjoining properties **and public rights of way**

(a) Owners who undertake construction, rehabilitation, or demolition work at their properties shall protect adjoining properties **and public rights of way** from damage **or hazardous conditions** caused by the work.

[(b)] 1. [The] In instances where it may be necessary to access the adjoining property to provide such protection, the owner intending to undertake the construction, rehabilitation, or demolition work that could potentially damage adjoining properties shall deliver written notice of such intent to the owners of the affected properties. The notice shall request written permission to enter the adjoining properties to determine the measures that must be taken to safeguard the properties from damage.

Recodify existing 1.-2. as **i.-ii.** (No change in text.)

2. Upon approval of measures to safeguard adjoining properties, the owner intending to undertake the construction, rehabilitation, or demolition work shall provide a copy of the measures to the owners of adjoining properties and shall request and obtain written permission from the owners of the adjoining properties to implement the measures prior to the commencement of work.

[(c)] (b) The measures to be taken to safeguard adjoining properties or public rights of way shall be submitted with the permit application for review and approval by the construction official. For projects undertaken using partial filing or partial releases, such measures shall be submitted for review and shall have been approved prior to the issuance of a construction permit for the portion of the work requiring the safeguarding of adjoining properties or public rights of way. Effective (90 days from the effective date of this amendment):

1. Sections 3302, 3303, 3304, 3306, 3307, and 3308 of the building subcode shall be used as the minimum safeguards for all buildings and structures regulated by the one- and two-family dwelling subcode.

2. Where necessary to protect the public right of way, sidewalk, or street bridging, designed in accordance with the applicable requirements of the building subcode, shall be installed over public rights of way to protect persons and vehicles. Construction documents prepared by a design professional shall be submitted and released prior to the installation of sidewalk or street bridging. The sidewalk or street bridging shall be inspected and certified by the licensed design professional prior to the start of construction work that may threaten the public right of way. The released drawings shall be available, upon request, at the site while the sidewalk or street bridging is in place.

(c) Effective (90 days from the effective date of this amendment), for cranes of more than 160 feet in height, including jibs and any other extensions to the boom, located on a construction site or for cranes of more than 50 feet in height with a maximum rated capacity of greater than 20 tons located in a public right of way, measures shall be taken to protect adjoining property and public rights of way from any hazard to life or property that may be caused by the siting or use of the crane. Such measures may be omitted where the crane placement is such that failure would impact only the construction site itself and would not imperil any adjoining property, public rights of way, or any building(s) or area(s) on the same property as the construction site occupied by other than construction workers.

1. An owner intending to use a crane that is sited on or lifts over a public way shall obtain approval from the local police or traffic safety department or the appropriate county or State authority. Approval to close the street and sidewalk while the crane is in operation shall be accepted as adequately protecting the public right of way.

2. Documentation for operation of a crane shall include a site plan indicating crane placement, support, or foundation, as appropriate, reach and lift limits, crane operating procedures to be followed under various wind or other environmental conditions, and any plans in place to control operation of the crane to minimize risk to adjoining property or public rights of way.

3. For erection of a tower crane, the required documentation shall include a signed and sealed plan for the footing layout and design, including a soils report, and a certification by the design professional of record that installation was performed in accordance with this plan and the manufacturer's specifications for the crane.

i. The tower and base shall have elevations shot to confirm that no movement has occurred after jumps. Additionally, the entity owning or operating the crane(s) shall maintain weekly reports of maintenance and connections to superstructure, as inspected and certified by the design professional.

[(d)] Upon approval of the measures to safeguard the adjoining properties, the owner intending to undertake the construction, rehabilitation, or demolition work shall provide a copy of the measures to the owners of adjoining properties and shall request written

permission to implement the measures prior to the commencement of work.

i. Written consent from the owners of the adjoining properties to implement the measures to safeguard the properties must be obtained.]

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Rooming and Boarding Houses

Proposed Amendments: N.J.A.C. 5:23-3.11, 3.14, 6.31; and 5:27-1.4, 1.5, 1.6, 1.9, 2.1, 3.2 through 3.6, 3.8, 3.9, 3.12, 4.1 through 4.9, 6.1, 6.2, 6.3, 7.1 through 7.4, 8.1 through 8.4, 9.1, 10.1, 11.1, 12.1, 13.1, and 14.1

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

Authority: N.J.S.A. 52:27D-124 and 55:13B-6.

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

Proposal Number: PRN 2017-081.

Submit written comments by August 4, 2017, to:

Geraldine Callahan
Division of Codes and Standards
PO Box 800
Trenton, New Jersey 08625
Fax number: (609) 633-6729
E-mail: geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The Department of Community Affairs (Department) proposes amendments to its existing rules in order to establish a category of facilities to be designated as "cooperative sober living residences" (CSLRs). Specifically, the Department proposes to amend its rooming and boarding house rules, N.J.A.C. 5:27, to establish a new "Class F license" to encompass CSLRs. In addition, the Department also proposes to amend the Uniform Construction Code (UCC) rules, N.J.A.C. 5:23, as to both the building subcode and the rehabilitation subcode, in order to reflect the addition of CSLRs.

N.J.A.C. 5:23-3.11 is proposed for amendment to provide that the Department shall be the sole enforcing agency under the UCC for CSLRs, as they are defined in the rooming and boarding house rules.

N.J.A.C. 5:23-3.14, Building subcode, is proposed for amendment to add a definition of CSLRs, including specifically requiring that they contain not more than 10 occupants, exclusive of any staff, and that all occupants and staff be capable of prompt self-evacuation.

N.J.A.C. 5:23-6.31, Change of use, is proposed for amendment to address the issue of a change of use involving a CSLR. It provides that a change in the character of use of a single-family dwelling of Group R-3 and R-5 to a CSLR shall comply with all of the requirements of subsection (q). These include: limits on number of occupants and requirements that they be capable of prompt self-evacuation; compliance with the requirement for smoke detectors as per the Uniform Fire Code; compliance with requirements for carbon monoxide detectors as per the Uniform Fire Code; and standards for adequate means of egress.

N.J.A.C. 5:27-1.4, Continuation of lawful existing use, is proposed for amendment to provide that any facility that is operating as a CSLR, as that term is defined in Chapter 27, shall be required to obtain an appropriate Class F license. This includes facilities that are currently operating as a CSLR pursuant to a different class of license.

N.J.A.C. 5:27-1.5 is proposed for amendment to provide that a certificate of occupancy shall not be required for the change in character of use to a Class F CSLR facility, pursuant to the UCC rehabilitation subcode. A single-family dwelling of Group R-3 and R-5 that is converted to a CSLR shall comply with the requirements of this section.