

# Construction Code Communicator



State of New Jersey  
 Chris Christie, Governor  
 Kim Guadagno, Lt. Governor

Department of Community Affairs  
 Richard E. Constable III, Commissioner

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## Plan Release with Conditions

On November 5, 2012, the adoption of a new rule, plan release with conditions, was published in the *New Jersey Register*. It is effective immediately. This article seeks to provide a brief explanation for the development of this rule and then a summary of the changes it makes.

**Background:** The Department had received complaints about the lack of predictable timeframes in rehabilitation projects, particularly in tenant fit-outs upon a change of tenancy. The lack of predictability in timeframes meant that business owners and project managers could not provide an accurate move-in timeframe for their tenants or clients. In response to the concerns that were expressed, the Department formed a small working group. Serving on it were representatives of the business community, property managers, design professionals, and code enforcement officials. The focus of the small working group was to devise a process to provide predictability in the plan review process for changes of tenancy, including those changes in tenancy that involve construction projects. Upon discussion, it was found that the plan review process is extended by multiple revisions of the plans to ensure that the released

drawings demonstrate code compliance. The initial plan review period, by statute, is 20 business days. The period for re-review is seven business days. The business professionals in the group asserted that they want the protection afforded by the plan review, but they are repeatedly frustrated in their efforts to give their clients accurate move-in dates because they could neither predict nor control the number of re-reviews of the plans that might be required.

**Solution:** The solution that gained the consensus of the small working group was a process that would allow for “plan release with conditions.” It is that process that has been adopted as an amendment to the Uniform Construction Code.

**Plan Release with Conditions—Process:** This rule amendment, plan release with conditions, would provide that, at the end of the 20-day plan review period, the plans for alteration or reconstruction projects in Groups B (Business), F (Factory), M (Mercantile), or S (Storage) would be released with a list of conditions specifying code deficiencies,

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**Plan Release with Conditions**

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enumerating deferred submittals, and listing pending prior approvals; the list of conditions will include a timeframe for the submittal of the corrections. If revised drawings are required in order to perform the inspection, a timeframe for their submittal must also be included in the list of conditions. Substantially deficient plans (plans that cannot be used to determine code compliance upon inspection) are not eligible for release with conditions. Upon written acceptance of the conditions by the permit applicant and once all prior approvals have been obtained, the permit is issued. The enforcing agency is required to send a copy of the list of conditions to the design professional of record. Code compliance will be determined at inspection. To facilitate inspections, the list of conditions must be attached both to the plans that are retained on site and to the plans that are retained by the enforcing agency.

This “plan release with conditions” process does not apply to a project involving a change of use or change in the character of a use. The rehabilitation subcode addresses a change of use through a hierarchy of hazards in which the increase in hazard associated with the proposed change is evaluated on an item-by-item basis and specific code requirements result. Such a project could not be reasonably addressed through plan release with conditions. For the same reason, a change of character of use, in which the use designation of the building does not change, but the intensity of the use changes, could not be reasonably addressed through plan release with conditions. So, change of use and change of character of use were omitted from this amendment.

A bulleted summary follows:

The regulatory amendment is at N.J.A.C. 5:23-2.16—Construction permits-procedure, titled:

Exception: Plan Release with Conditions and Issuance of Permit.

- This procedure applies to rehabilitation work in Groups B, F, M, or S; it does not apply to a change of use or to the change in the character of a use.
- Following a plan review by all applicable subcode officials, unless the plans are so deficient as to make determining code compliance through inspections impossible, plans will be released with a list of conditions attached identifying any deficiencies in code compliance and also identifying information that must be provided either before the permit can be issued (such as prior approvals) or during the course of the work (such as sprinkler shop drawings).
  - To ensure that the deficiencies have been corrected at the time of inspection, a timeframe for providing the corrections or

*See Plan Release with Conditions –continued at right*

**Plan Release with Conditions**

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the missing information must be specified in the list of conditions.

- Revised drawings may be required before the Certificate of Approval or Certificate of Occupancy is issued. A timeframe for receipt of the revised drawings must be established in the conditional plan release. Issuance of a temporary certificate of occupancy (TCO) will be in accordance with N.J.A.C. 5:23-2.23(g).
- Upon written agreement of the permit applicant (owner or owner’s agent) to the list of identified deficiencies and to their correction during the course of work, the construction official will act on the permit application. The local enforcing agency will forward a copy of the conditions to the design professional of record.
- Upon inspection, if the deficiencies identified as conditions of the release have not been corrected, the work must be corrected; it will then be reinspected.
- Upon inspection, if the scope of the work has changed and work is found that was not included in the permit application, the standard UCC process, including issuing a stop work order and penalties will be followed.

The Department is looking into offering training on this process. In the meantime, questions should be directed to the Code Assistance Unit at (609) 984-7609.

Source: Emily W. Templeton  
Division of Codes and Standards

## **UCC-F160, Application for a Variation Continues to be a UCC Standard Form**

As many of you may have noticed by now, an error occurred in the July 16, 2012 Code Update, specifically with the printing of page 23-64.2, which begins section 5:23-4.5, Municipal enforcing agencies –administration and enforcement.

In (b)2, the form, “F-160 Application for a Variation” was inadvertently dropped from the table of standardized forms. This is a printing error.

UCC-F160, the Application for a Variation, remains a part of the UCC Standard Forms complement. The printing error will be corrected as soon as is practicable.

Source: Berit Osworth  
Division of Codes and Standards

## Counting Houses

Most technical assistants and construction officials know building permits are an important source of statistical information. They are one of the few data sources available by municipality every month.

One of the more significant indicators from building permits is the number of new houses. Housing data help economists gage trends in an important sector of the construction industry. They also are used by school administrators, utility companies, planners, and others to identify emerging settlement patterns.

Counting new houses sounds simple, but it's not, and recent construction trends make it harder. This article discusses pitfalls and how to avoid them.

Quacks like a duck: Dwellings were once easy to count. Kitchens are a good clue. So are separate entrances. The units also must be intended for long-term stays of at least 30 days.

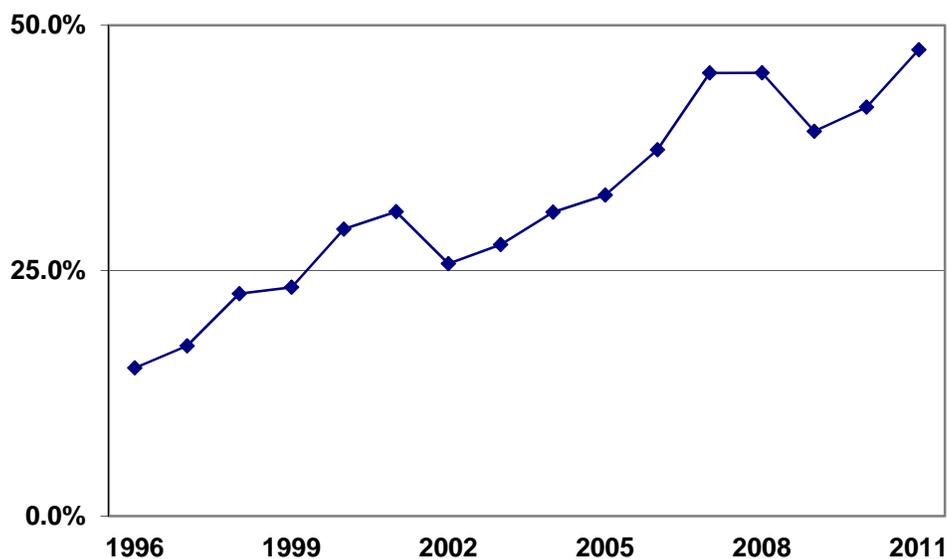
Today's houses can be harder to spot. Time-share apartments and extended-stay suites look like dwellings, but they're not. Occupants can stay for short periods of time. They are like hotels; technical assistants and construction officials generally *don't report them as dwellings*. But, length of stay or occupancy is not always a defining feature. After all, a seldom-used vacation house is still a dwelling, so is a spec house that is not sold or rented.

Nursing home room or elderly apartment: Another important trend is the growth in elderly housing. Age-restricted shelter varies. Residents who need medical care may live in nursing homes or hospitals. *Like hotel rooms, nursing home rooms are not dwellings*. Some elderly housing, however, are for people who can live more independently. These units may be connected to nursing homes but look more like small apartments. Residents come and go as they please. They buy groceries and cook meals. *Because these units look and function more like apartments, technical assistants and construction officials report them as dwellings*.

Delta House: Blurred boundaries also occur with college housing. *Dormitories, like hotels, generally have rooms, not dwellings*. Some colleges and universities have started to build housing that looks like town houses. These units have kitchens, separate entrances, and parking. Technical assistants and construction officials have correctly reported them as dwellings.

Hello neighbor: In 1996, a little more than 15 percent of all new houses authorized for construction in New Jersey were in buildings with other residential units (multifamily housing) or in mixed-use buildings with office, retail, and other nonresidential uses. In 2011, the proportion was 47.5 percent.

**Multi-Family & Mixed-Use Housing as a Percentage of All Authorized Housing, 1996-2011**



Houses

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Today's multifamily buildings are complex. They often have garages, gyms, and other common areas. Many are built and occupied in phases, over several years. Some construction offices issue separate permits for each dwelling. Generally, this is bad practice. If reporting software does not allow the issuance of multiple COs from a single permit, treat the units as fit ups, alterations for nominal work. (See in the spring 2008, volume 20, and issue 1 *Construction Code Communicator* article "Multiple Permits for Multiple Units Mean Multiple Mistakes.")

**Mixed-use Buildings:** A related trend is the increase in housing in buildings with office, retail, and other commercial uses. Let the Census Bureau know if the newly constructed, mixed-use building has dwellings. Construction officials and technical assistants must use the proper item numbers. These are summarized below:

Item numbers for the U.S. Census	
Census Item Number	Number of housing units
101	1
103	2
104	3 or 4
105	5 or more

Users of **PermtisNJ** must be mindful of the sequence they use to report building use. If the mixed-use building has housing, report the residential use first. Otherwise, the dwellings go undetected by the Census Bureau. Nonresidential uses reported first automatically trigger a '999' item number. This tells Census Bureau to ignore the permit and results in the agency missing housing it should count.

**False starts:** Tough economic times can muddy the waters. This can lead to confusion about the number of authorized houses. Construction officials sometimes must cancel or suspend work on a permit. This does not mean the information reported earlier was wrong and needs to change. A permit issued last year for ten new dwellings does not have to be corrected because the applicant goes bankrupt this year. The number of dwellings gets counted when permits are issued. *If and when* the project gets certificates of occupancy, the dwellings are reported and counted again as certified housing units. Both measures provide important information.

A *firewall* exists between municipalities and the U.S. Census Bureau and the New Jersey Department of Community Affairs. This security measure makes it difficult to change building permits once sent. Any changes other than normal updates are flagged and

Houses

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don't reach either agency. Occasionally, municipalities must void permits or make changes other than those allowed by permit updates. To do so, call or e-mail DCA staff, either Charlie Pierson, Jr. or me.

In sum,

1. Authorized housing, the number of dwellings authorized by building permits, is an important economic and demographic indicator, one of the few available for every locality, every month.
2. Both the U.S. Census and the New Jersey Department of Community Affairs publish monthly statistics on new dwellings authorized for construction.
3. Generally, a dwelling is a residential unit with a kitchen and separate entrance; it is intended for long-term use of 30 days or more.
4. Hotel rooms, time-shared units, extended stay suites, and most dormitory rooms usually are not dwellings, but age-restricted units that let residents live in a setting more like apartments rather than nursing homes are.
5. Recent building trends have made it harder to count housing.
6. One trend is the growth in apartments, condominiums, and other multi-family housing.
7. A related trend is an increase in buildings where housing shares space with office, retail, or other nonresidential uses. Use the proper item number to report mixed-use housing; otherwise, the Census Bureau will not be notified of these new units.
8. Be careful when you issue multiple permits for multiple housing units in a single building. Don't over count.

Many changes can be handled with permit updates. If you need to make other changes, remember there is a firewall between construction offices and the Department of Community Affairs. After permits are transmitted, you must notify DCA of any changes other than normal permit updates.

If there is are questions about whether something is a dwelling or not, call John Lago or Charlie Pierson, Jr. at (609) 292-7898.

Source: John Lago  
Division of Codes and Standards



## Corrugated Stainless Steel Tubing: A Letter from the Board of Examiners of Electrical Contractors

Dear Mr. Smith:

It has recently been brought to the attention of the NJ Board of Examiners of Electrical

Contractors (“the Board”) that code officials in some municipalities are demanding that electrical contractors install the bonding jumper for CSST installations, as required by the IRC/2009 and the IFGC/2009.

Apparently, this is occurring even when the electrical contractor was not under contract to perform any work related to the installation of the equipment and/or CSST installed. In considering the number of questions received by the Board related to this subject, and in context with the Board’s authority and jurisdiction of licensing electrical contractors, the Board would like to advise the Department of Community Affairs of its position with respect to the installation of the bonding jumper for CSST installations.

The Board’s enabling statute requires generally that anyone that advertises or enters into, or engages in the work or business as an electrical contractor must first obtain a license and business permit from the Board (NJSA 45: 5A-9). The term “electrical contractor” means a person who engages in the business of contracting to install, erect, repair, or alter electrical equipment for the generation, transmission, or utilization of electrical energy (NJSA 45:5A-2(d)).

The statute also exempts from licensure any work with a potential less than 10 volts (NJSA 45:5A-18(j)

Accordingly, the Board has reasoned that CSST is not electrical equipment that would require installation by an electrical contractor. Its purpose is not to generate, transmit, or utilize electrical energy but rather generally to supply gas to utilization equipment. Additionally, a bonding jumper, consisting of an appropriate conductor and its related clamp(s) used as a grounding electrode conductor to bond the CSST gas piping system to the electrical service grounding electrode system has a potential of less than 10 volts; its purpose being to maintain a potential of zero volts, or ground potential throughout the system. Consequently, the Board’s position is that a license and business permit issued by the Board is not necessary to install a bonding jumper on a CSST gas piping system to the electrical service grounding electrode system; provided such work does not include the intrusion into any other

See Letter- page 6

## Who Can Install the “Electrical Bond” for CSST Gas Piping?

I am sure that by now the question from the title above has reared its ugly little head regarding the corrugated stainless steel tubing (CSST) gas piping electrical bond per Section 310.1.1 of the International Fuel Gas Code/2009 and Section G2411.1.1 of the International Residential Code/2009. Well, resolution was gotten at the April 4, 2012 Business Meeting of the Board of Examiners of Electrical Contractors (Public Session). On page 5 of the minutes of the Board of Electrical Contractors, the Board reviewed the Spring 2011 *Construction Code Communicator* article regarding the installation of CSST gas piping. Here is their conclusion on who may install the bond.

“Motion was made and seconded, and unanimously passed, **that although a New Jersey licensed electrical contractor is the most qualified person to perform the bonding, the Board’s position that it is not required that a licensed electrical contractor install the bonding clamps and conductor provided that the connection to the grounding electrode system is outside the service enclosure**; i.e. to the electrical system grounding electrodes with the appropriate ground clamp, to the foundation rebar when the electrical system employs a Ufer-ground, to the electrical system grounding electrode conductor if it is of sufficient size, to other grounding electrodes (lightning) if integrated with the electrical system, or copper water pipe if it serves as primary grounding electrode. The Board notes that this position is applicable only for installations required to be inspected and are inspected per the State Uniform Construction Code.”

*NOTE: The minutes of the Board of Electrical Contractors are posted at:*

[http://www.njconsumeraffairs.gov/electric/minutes/elecmin\\_040412.pdf](http://www.njconsumeraffairs.gov/electric/minutes/elecmin_040412.pdf)

Therefore, the bond required by the above sections does not require a licensed electrical contractor to install the bonding clamps and conductor provided that the connection to the grounding electrode system is outside the service enclosure. This means that the person installing the gas piping, typically a master plumber (residential and non-residential), mechanical contractor (non-residential) or home improvement contractor (residential), may install the bond per Sections 301.1.1 or G2411.1.1 without also being licensed as an electrical contractor.

If you have questions, please contact the Code Assistance Unit at (609) 984-7609.

Source: Rob Austin  
Code Assistance Unit

Letter

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electrical equipment such as electrical panels, switchgear, junction boxes, lighting fixtures, disconnect switches, transformers, etc. to facilitate the installation of the bonding jumper. In view of the foregoing, the Board posits that code officials within the various enforcement agencies established pursuant to the NJ Uniform Construction Code Act (UCC), may issue an electrical sub-code permit for the installation and inspection of CSST gas piping and the installation and inspection of its mandated bonding jumper, to persons that have not obtained a license or business permit from the Board; (i.e. the plumbing contractor, mechanical contractor, or other entity performing the CSST installation work).

Thus, to the extent code officials are relying upon the necessity of the contractor to be licensed by the Board in order to issue an electrical sub-code permit to perform and inspect the CSST bonding work, the Board requests that they be advised, perhaps via the "Construction Code Communicator" that such is not necessary, except as noted herein above. (NOTE: This is not to suggest that bonding is not electrical work subject to the provisions of the National Electrical Code, rather, and only with respect to CSST, it is electrical work that may be performed without first obtaining a license and business permit issued by the Board.) Accordingly, code officials may find it more effective and efficient to require the person (e.g. plumbing or mechanical contractor) seeking the UCC permit(s) to install, replace, or repair, as the case may be, the CSST and/or the equipment or appliance to which it is connected, to be the person responsible for the installation of the bonding jumper. Hence, that person also would be responsible for obtaining the permits and inspections required thereof pursuant to the UCC, rather than demanding that an electrical contractor licensed by the Board but having no contract for, or involvement with the installation of the CSST, being required to subsequently install the bonding jumper.

Thank you for your assistance in this matter.

Sincerely,

Joseph P. Schooley, Chairman  
 Board of Examiners of Electrical Contractors



## Cost Estimates

The presidents of the construction officials' and subcode officials' associations have asked the Division to provide clarification on whether local enforcing agencies may ask for additional documentation when it is obvious that the cost estimate provided is extremely low.

The State's fee schedule provides a mechanism to deal with such a situation. N.J.A.C. 5:23-4.20(c)2i(2) allows the State to request additional documentation for cost per thousand projects in the form of a design professional's estimate, if available, estimating form, or by the contractor of record. The Department does not object to local enforcement agencies utilizing this section of the regulations for good cause. But the Department cautions that it may not be used as a policy for every project submitted to a municipality, and should not be applied when homeowners are doing their own work and there is no contractor. In this situation, I recommend that you let the homeowner know about the provisions of N.J.A.C. 5:23-2.15(a)4, which require that any labor or materials provided at no cost shall be estimated at its normal or usual costs. Most homeowners have no idea that their labor and/or free materials must be accounted for. The Uniform Construction Code (UCC) does not, and code enforcement officials should not, require a homeowner to hire a cost estimator or a design professional for this purpose. It's an unnecessary expense for the consumer and it is a bad business practice that will only lead to complaints being submitted to your administration and/or my office. In these tough times, we should not add impediments to the construction code enforcement process.

If the homeowner has a contractor and you believe that the estimate is unreasonably low, you may ask for a copy of the contract; however, this should not be standard practice. Bear in mind that Bulletin No. 94-3, Permit Documentation, states that items for which no permit is required must be excluded from the total cost of the calculations for the permit fee.

Under no circumstances is any code enforcement official to change an estimated cost and charge a permit fee that you believe is appropriate. One code official did this and was arrested for falsifying public records. Reject the application. Ask for additional documentation.

We expect you to use common sense and good judgment and only use this tool when there appears to be an obvious issue.

If you have any questions, please contact the Office of Regulatory Affairs at (609) 984-7672.

Source: Louis Mraw  
 Office of Regulatory Affairs

## Air Admittance Valves are Allowed!!

As we all know, the use of air admittance valves (AAV) has been a hot topic. In Appendix E, "Special Design Plumbing Systems" (E.8), the National Standard Plumbing Code (NSPC)/2009 allows the installation of AAVs when the system is designed by a licensed design professional.

The following are two excerpts from the New Jersey State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) pertaining to the use of new products in construction:

N.J.S.A 52:27D-120.a, Purpose, states: "To encourage innovation and economy in construction and to provide requirements for construction and construction materials consistent with nationally recognized standards."

N.J.S.A. 52:27D-120.d states: "To eliminate restrictive, obsolete, and conflicting and unnecessary construction regulations that tend to unnecessarily increase construction costs or retard the use of new materials, products or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction."

The International Code Council (ICC) Evaluation Service (ES) report PMG-1025 was recently revised (July 27, 2012) and now specifies that AAVs that are in compliance with the listed standards are deemed to be in compliance with the NSPC/ 2009 and 2012. The standards are: ASSE 1050-2009, Performance Requirements for Stack Air Admittance Valves for Sanitary Drainage Systems, ASSE 1051-2009, Performance Requirements for Individual and Branch Type Air Admittance Valves of Sanitary Drainage Systems – Fixture and Branch Devices and NSF Standard 14-2010, Plastic Piping System Components and Related Materials.

N.J.A.C 5:23-3.7, Municipal approvals of alternate materials, equipment, or methods of construction, **requires** the enforcing agency to approve materials, equipment, or methods of construction that are approved by ICC ES reports. Therefore, AAVs that comply with the standards listed in the ICC ES report are permitted to be used in one- or two-family dwellings and Class III structures without a design professional's seal. This does not apply to any Class I and Class II commercial projects, which require a design professional's seal under the Building Design Services Act.

AAVs must be furnished and installed in compliance with NSPC Appendix E.8, the ICC ES report, and the manufacturer's installation instructions.

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello  
Code Assistance Unit

## Do I Really Need the Name of the Contractor to Perform a Plan Review?

The Department has received an influx of phone calls from design professionals and building owners asking why the contractor's name is being required by local enforcing agencies with the initial permit application. The answer to this question is . . . it's not.

N.J.A.C. 5:23-2.15(b) requires the specific information to be provided on any application for a construction permit when such information is available, but not later than the commencement of work. The name and license number of the contractor is included in this list.

The name and license number of the contractor is required to be provided no later than the commencement of work. SO, applying some common sense to this rule, being that the commencement of work typically coincides with the issuance of the construction permit, it would be appropriate to wait until the contractor's name and license number is provided to issue the permit. However, this should NOT hold up the plan review on the project.

If you have any questions regarding this, please feel free to contact me.

Source: John N. Terry  
Division of Codes and Standards

## Items to Consider When Finishing a Basement

So, you want to finish your basement in a single-family home. In the process, you are creating a room to hide those unsightly existing mechanicals. What does this mean in terms of their operation? Well, for starters, consult the Rehabilitation Subcode (N.J.A.C. 5:23-6) and see what requirements of the referenced model codes apply.

The work described above is an alteration (as defined at N.J.A.C. 5:23-6.3, Definitions), so N.J.A.C. 5:23-6.6, Alterations, is the starting point. The enclosure being created around the existing mechanicals may or may not be detrimental to the combustion air. In short, this means that this new enclosure must provide openings to have the proper combustion air.

N.J.A.C. 5:23-6.6(i) requires that the materials and methods (at N.J.A.C. 5:23-6.8, materials and methods) are to be met for compliance. Specifically, N.J.A.C. 5:23-6.8(h)13 and 20 reference the combustion air requirements from the International Residential Code (IRC)/2009, Chapter 17 for oil/electric and Chapter 24 for gas equipment/appliances.

Other non-mechanical items to consider in this sort of  
*See Basement- page 8*

**Basement**

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alteration, include, but are not limited to:

- N.J.A.C 5:23-6.6(e)10iii--When finished space is created in previously unfinished space, receptacle and lighting outlets shall comply with Sections 210.52 and 210.70, respectively, of the electrical subcode.
- N.J.A.C 5:23-6.6(e)14--When the work being performed creates or exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section R302.11 of the one- and two-family dwelling subcode.
- N.J.A.C 5:23-6.6(e)15--When the work being performed creates or exposes the framing of any wall, floor, or ceiling assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values in Table 402.1.1 of the residential energy code. Of course, in the event that insulation meeting the R-values above cannot be installed due to space constraints, insulation that fills the cavities of the framed assembly shall be installed.

As another example, when the mechanicals are being replaced in the same location, they are categorized as a renovation if the replacements are of the same BTU output. Since the "hazard" has not changed, the existing chimney size should be acceptable, assuming the chimney itself is in good condition and the replacement equipment efficiency rating doesn't require resizing. This would be consistent with N.J.A.C. 5:23-6.5(c) where it states in part, "The replacement of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load."

NOTE: If it is discovered that work was done before obtaining a permit, apply Bulletin 06-1, Work Performed Without Permit.

If you have any questions, please call the Code Assistance Unit at (609) 984-7609.

Source: Rob Austin  
Division of Codes and Standards

## Underwriters Laboratories Provides Informational Warnings



Underwriters Laboratories (UL) posts important notices concerning safety, alerts about product hazards, counterfeit products, and other potential hazards. Often these notices deal with products that are subject to UCC requirements. As examples: Smoke alarms, oil fired furnaces, fire sprinkler pipe

*See Warnings -continued at right*

## Bulkheads, Piers and the Uniform Construction Code

There have been a number of inquiries on whether a permit is required to construct a bulkhead or pier. An article on this subject was published in the *Construction Code Communicator*, Winter 2001 (Volume 13, Number 44, page 2). For the convenience of code users, that article is being reprinted and revised; its references are updated and an example is added for clarity. The article follows:

There are no technical standards adopted under the Uniform Construction Code (UCC) for bulkheads and piers; therefore, UCC permits are not required. Neither the International Building Code (IBC)/2009 nor the International Residential Code (IRC)/2009 provides criteria for the design of bulkheads or piers.

There are exceptions to this rule:

1. If the bulkhead or pier is used to support a building or structure, then a permit is required, because it becomes part of the building foundation.
2. If the bulkhead is used as a retaining wall that is part of the means of egress, a permit is required. See N.J.A.C. 5:23-2.14(g).

An example might help:

A bulkhead is 30 feet from the building. Failure of this bulkhead could eventually cause the building to fail from erosion due to the grade being equal to the height of the water. Would that bulkhead fall under exception 1 above?

No, exception number 1 is not applicable, because the bulkhead is not supporting the foundation of the building.

The responsibility for the review and inspection of bulkheads and piers remains with the municipal engineer. UCC permit applications should not be used for this purpose.

If you have any questions on this, please direct your calls to me at (609) 984-7609.

Source: Marcel Iglesias  
Code Assistance Unit

### Warnings

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hangers, communication cable, ceiling dampers, GFCIs, and more. If you suspect an issue with a product being used or just wish to review UL current products identified having potential safety issues, a list may be found at the following web address:

<http://www.ul.com/global/eng/pages/corporate/newsroom/publicnotices/>

If you have any questions, please feel free to call me at (609) 984-7609.

Source: Michael E. Whalen  
Code Assistance Unit

## Local Enforcing Agency Plan Review

It has been brought to the Department’s attention that several municipalities fail to comply with N.J.A.C. 5:23-2.15(f)(5)ii(l) which states that if local, county or State prior approvals have not been met, plan review shall proceed as long as the rest of the permit application is complete. The exception is one- and two-family dwelling projects that must have a zoning approval in place before plan review begins.

Therefore, if a permit application is submitted (for other than a one- and two-family dwelling) and prior approvals are missing, you must accept the plans, charge a nonrefundable plan review fee, and perform the plan review. By submitting the application for plan review before obtaining prior approvals, the applicant assumes a certain risk. If a planning board approval requires substantive changes that affect code compliance, then the plans must be revised and resubmitted. Of course, if a municipality has an hourly rate in the municipal fee schedule, the hourly rate may be charged for this review. Under no circumstances can the permit be issued until all required prior approvals have been obtained.

If you have questions on this requirement, please contact the Code Assistance Unit at (609) 984-7609.

Source: Louis J. Mraw, Supervisor  
Office of Regulatory Affairs

## Gypsum Finish Ratings –Membrane Protection

For your information, the Gypsum Association provides guidelines for specifying fire resistance rated wall and ceiling membrane systems as GA-610-02 (Fire Resistance Provided by Gypsum Board Membrane Protection), which provides fire resistance through the installation of multiple layers of gypsum board. Similar in application to FTO-13 (Fire Separation between Dwelling Units and Attached Private Garages), GA-610-02 provides the installation methods for a finish/membrane rating of a system. The Gypsum Association offers these finish-rating systems for purposes such as:

- In certain types of new construction, it may be neither practical nor economical to use the type of structural components found in tested and listed systems.
- Upgrading existing walls or floor-ceiling systems may involve limited access to the space or the

See Gypsum Finish -continued at right

presence of construction materials that may not be used in any currently available tested or listed system.

Therefore, GA-610-02 can be used for fire-resistance in new and existing construction for one- and two-hour ceilings and one-hour wall membranes. To see the exact listing and its installation requirements, please visit:

<http://www.gypsum.org/wp/wp-content/uploads/2011/11/GA-610-02b.pdf>

Reminder: The finish rating above is derived from the same test method (ASTM E 119) that establishes fire-resistance ratings for systems from Sections 703.2 and 703.3 of the International Building Code/2009. In gypsum board construction, the finish rating can be determined to be the fire-resistance rating provided by the gypsum board membrane on the fire exposed side. In short, this rating applies in limited areas of construction.

If you have questions, please contact the Code Assistance Unit at (609) 984-7609.

Source: Rob Austin  
Code Assistance Unit

## Production Meter Requirements for Solar Projects and the Electrical Subcode

Recently, the New Jersey Board of Public Utilities (BPU) adopted new rules requiring that a revenue-grade meter (RGM) must be installed by November 30, 2012 so that all solar energy systems eligible to earn solar renewable energy credits (SRECs) can report system production. Credits are earned based upon readings obtained from a RGM measuring the system output.

Some of you might think, isn’t the system’s inverter capable of displaying accumulated kilowatt-hours? This is true; however, the accuracy of the inverter meter typically does not meet the American National Standards Institute (ANSI) Standard C12.1-2008 accuracy standards required by the New Jersey Clean Energy Program and therefore cannot be used for the purpose of generating SRECs.

So what does a RGM (aka, production meter) mean to the electrical subcode official? This meter is (1) in addition to the electric meter installed by the local utility to measure the home or business’ electric consumption and (2) subject to the requirements of the Uniform Construction Code.

As mentioned earlier, the meter is required to meet

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## Department of Education Approval for School Projects – Clarification

In the Fall 2011 *Construction Code Communicator*, Frank LoDolce (Department of Education) and I published an article that provided guidance to code officials on determining the need for a Department of Education (DOE) review on school projects. One sentence in this article caused confusion; let's set the record straight.

If DOE review is not required on a school project, then a DOE124 is not required. In these instances, the local enforcing agency is authorized to perform the review of the construction documents without individual authorization by the Department. This is, of course, contingent on the enforcing agency having the appropriate classification for the review.

I hope this clarifies this matter, but, if you should have questions, please feel free to give me a call at (609) 984-7609.

Source: John N. Terry  
Division of Codes and Standards

## Fire Resistive, Fire Resistant and Circuit Integrity Cables

On September 26, 2012, Edward Smith, Director of the Division of Codes and Standards, sent a letter to all Construction Officials and Electrical Subcode Officials providing initial guidance on Underwriter Laboratories' withdrawal of its listing for specific cables. Director Smith committed to updating the guidance as additional information was made available. This article is such an update and is intended to provide clarity as to which cables cannot be used; it is based on the Underwriter

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### Requirements

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the accuracy standard of the American National Standards Institute (ANSI) C12.1-2008 and must be installed per the manufacturer's installation instructions. Even though a Uniform Construction Code (UCC) permit is required for the installation of the meter, the Department of Community Affairs has determined that the listing/labeling requirements per Sections 90.7 and 110.3(B) of the electrical subcode are not applicable. Therefore, when a RGM is installed in a new or existing solar energy system, the electrical subcode official needs to verify (1) that the RGM meter meets the ANSI standard and (2) that it is compatible with the listed meter socket cabinet.

The BPU has provided two lists (see links below) intended to assist you in identifying a RGM that meets these accuracy requirements. These lists are not all-inclusive. The first link is from the New York State Department of Public Service and the second link is from the California Energy Commission:

[http://www.njcleanenergy.com/files/file/Renewable\\_Programs/REIP/Approved\\_%20Meter\\_%20List.pdf](http://www.njcleanenergy.com/files/file/Renewable_Programs/REIP/Approved_%20Meter_%20List.pdf)

[http://www.gosolarcalifornia.org/equipment/system\\_perf.php](http://www.gosolarcalifornia.org/equipment/system_perf.php)

If you have any questions regarding this matter, please contact the Code Assistance Unit at (609) 984-7609.

Source: Ken Verbos  
Office of Regulatory Affairs

### Cables

*continued from left*

Laboratories (UL) press release.

In its most recent guidance UL has made it clear that it is no longer authorizing manufacturers to place the UL mark or ULC mark on the following categories of cables:

1. UL Classified Fire Resistive Cable (FHJR);
2. ULC Listed Fire Resistant Cable (FHJRC); and
3. UL Listed Cable with "-CI" Suffix (Circuit Integrity).

These categories of fire resistive and cable integrity cables no longer consistently achieve a **fire-resistive rating** when subjected to the standard Fire Endurance Test of UL2196 or ULC-S139. However, Electrical Subcode Officials and Fire Protection Subcode Officials may approve the use of these cables where other alternative methods (e.g. automatic fire suppression system, 2-hour rated assembly, embedded in 2 inches of concrete, etc.) are used to obtain the required fire-resistive rating.

In addition, UL is not the only testing laboratory that provides ratings for fire-resistive cable. If cable marked by another testing laboratory meets the two-hour fire-resistive rating, it may be approved/used.

Finally, the Department has learned that some code officials have denied the use of UL1424 listed cable types FPLP, FPLR and FPL and UL1425 listed cable types NPLF, NPLFR and NPLFP. The listings for these cable types have not been withdrawn and these cables (including cables with a CI designation) may continue to be approved for use where no fire resistive rating is required.

If you have any questions, please feel free to call us at (609) 984-7609.

Source: Michael E. Whalen and Rob Austin  
Code Assistance Unit

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Division of Codes and Standards  
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