

RESPONSE: The Department appreciates this expression of support for its proposal.

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being adopted 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 a Federal law, standards, or requirements.

Full text of the adoption follows:

5:23-12.3 Inspection and test schedule

(a) Routine, periodic and acceptance inspections and test of elevators shall be conducted as follows:

1.-3. (No change.)

4. Each building containing devices covered by this subchapter shall have an inspection cycle established by the enforcing agency. This cycle shall be consistent with the routine and periodic inspection and test intervals required in this section. Once this cycle is established, all such devices in the building shall be subject to inspections and tests, except as exempted by this section or by N.J.A.C. 5:23-12.9.

i. When a need to modify an existing inspection cycle exists, upon request of a construction official, where such needs are outlined, and approved by the Department, the existing inspection cycle can be changed. Such change shall not increase the intervals between inspections/tests required by this section, and any additional inspection that may be required as a result of the adjustment shall not be subject to a fee.

Recodify existing i.-iii. as ii.-iv. (No change in text.)

5. (No change.)

5:23-12.12 Special safety equipment

(a)-(e) (No change.)

(f) A Yale 3502 key shall be used on all elevators that are required by the UCC to be equipped with a standardized fire service key.

(a)

**DIVISION OF LOCAL GOVERNMENT SERVICES
Local Finance Board; Local Authorities
Levy Cap Exclusion for Extraordinary Expenses Due to Emergencies**

Adopted New Rules: N.J.A.C. 5:30-3.9 and 5:31-2.10

Proposed: March 5, 2012 at 44 N.J.R. 543(a).
Adopted: June 9, 2012 by Richard E. Constable III, Acting
Commissioner, Department of Community Affairs.
Filed: June 14, 2012 as R.2012 d.135, **without change**.
Authority: N.J.S.A. 40A:4-45.45.b.

Effective Date: July 16, 2012.
Expiration Dates: March 23, 2016, N.J.A.C. 5:30;
July 18, 2018, N.J.A.C. 5:31.

Summary of Public Comment and Agency Response:
Public comment was submitted by William G. Dressel, Jr. on behalf of the New Jersey League of Municipalities, which is summarized below.
COMMENT: N.J.A.C. 5:30-3.9 and 5:31-2.10. The League is supportive of the rules, but suggests that extraordinary expenses incurred after a declaration of emergency by the President of the United States, in addition to emergencies declared by the Governor, be excluded from the property tax levy cap.

RESPONSE: The Department of Community Affairs is satisfied with the existing language limiting declared emergencies to those declared by the Governor. Amending the rule as the commenter proposes would broaden the scope of the emergency exception beyond that contemplated by the statute. National emergencies could be declared for a wide variety of reasons, such as national defense and disasters in other parts of the country. If a situation that directly impacted a municipality necessitated a

declaration of emergency, the Department finds it highly unlikely that the President would declare an emergency and not the Governor.

Federal Standards Statement

No Federal standards analysis is required because the new rules are not being adopted in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows:

CHAPTER 30
LOCAL FINANCE BOARD

SUBCHAPTER 8. FINANCIAL ADMINISTRATION

5:30-3.9 Property tax levy cap exclusion for extraordinary expenses due to emergencies

N.J.S.A. 40A:4-45.45.b authorizes an exclusion to the municipal and county property tax levy cap for “extraordinary costs” related to a declared emergency. For the purpose of this law, “extraordinary costs” are defined as expenditures incurred for the immediate preparation, response, recovery, and restoration of public services due to extreme weather conditions or other catastrophic events that are the subject of a gubernatorial emergency declaration, and only for that portion of costs exceeding the cost of providing services under non-emergency conditions. Such funds can be treated as one-time (non-permanent) property tax levy cap exclusions upon submission and review of certifications describing the expenditures to the Director of the Division of Local Government Services, and may be subject to adjustment to account for the receipt of any State or Federal reimbursements.

CHAPTER 31
LOCAL AUTHORITIES

SUBCHAPTER 2. BUDGETS

5:31-2.10 Fire district property levy cap exclusion for extraordinary expenses due to emergencies

N.J.S.A. 40A:4-45.45.b authorizes an exclusion to the municipal and county property tax levy cap for “extraordinary costs” related to a declared emergency. For the purpose of this law, “extraordinary costs” are defined as expenditures incurred for the immediate preparation, response, recovery, and restoration of public services due to extreme weather conditions or other catastrophic events that are the subject of a gubernatorial emergency declaration, and only for that portion of costs exceeding the cost of providing services under non-emergency conditions. Such funds can be treated as one-time (non-permanent) property tax levy cap exclusions upon submission and review of certifications describing the expenditures to the Director of the Division of Local Government Services, and may be subject to adjustment to account for the receipt of any State or Federal reimbursements.

(b)

**DIVISION OF FIRE SAFETY
Notice of Administrative Corrections
Uniform Fire Code
Permits Required
N.J.A.C. 5:70-2.7**

Take notice that the Department of Community Affairs discovered errors in N.J.A.C. 5:70-2.7. Effective May 1, 2006 (see 37 N.J.R. 3108(a) and 38 N.J.R. 1824(a)), paragraph (b)4 of N.J.A.C. 5:23-2.14, Construction permits – when required, was amended, in pertinent part, to provide that construction permits are not required for tents, tensioned membrane structures, and canopies meeting the criteria in N.J.A.C. 5:23-2.14(b)4ii(1) through (5), but that tents, tensioned membrane structures, and canopies meeting those criteria shall be subject to the permitting requirements of the Uniform Fire Code at N.J.A.C. 5:30-2.7. The