

2. Before granting approval to appoint or reappoint a temporary chief financial officer, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a chief financial officer. Any request to the Director shall provide the following information:

- i.-iv. (No change.)
- 3. (No change.)

SUBCHAPTER 4. QUALIFIED PURCHASING AGENTS

5:32-4.2 Continuing education requirements

(a) Renewal of a qualified purchasing agent certificate shall be required every three years, subject to the applicant’s fulfillment of continuing education requirements, the submission of an application for renewal, and payment of a \$35.00 fee payable to the order of the Treasurer, State of New Jersey.

1. For certificate renewal cycles commencing before *(the effective date of this rulemaking)* **August 1, 2022***, applicants shall obtain 20 continuing education contact hours in the subject areas of procurement procedures, office administrative/general duties, ethics, and green purchasing. For certificate renewal cycles commencing on or after *(the effective date of this rulemaking)* **August 1, 2022***, applicants shall obtain 25 continuing education contact hours in the subject areas of procurement procedures, office administrative/general duties, ethics, and green purchasing. Said credits shall be approved by the Director as relevant to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter, with the following minimum contact hours for each subject area:

i. Two contact hours in the subject area of procurement procedures for certificate renewal cycles commencing before *(the effective date of this rulemaking)* **August 1, 2022***, or for certificate renewal cycles commencing on or after *(the effective date of this rulemaking)* **August 1, 2022***, five contact hours in the subject area of procurement procedures;

- ii.-iv. (No change.)

2. At the option of the applicant, contact hours in the subject area*s* of information technology **and public works compliance**, as* approved by the Director for relevance to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter, may be applied toward the number of continuing education contact hours required pursuant to (a)1 above, in addition to the required minimum contact hours.

3. If an applicant has earned at least the minimum number of continuing education contact hours required pursuant to (a)1 above within the renewal period but has not achieved the minimum number of contact hours in a given subject area, the Director has discretion to waive the required minimum upon application and good cause shown, provided that the applicant has earned at least one contact hour in the given subject area.

- 4.-7. (No change.)

5:32-4.4 Vacancy in the office of purchasing agent

(a) Following the appointment of a purchasing agent for a contracting unit, if the person appointed no longer performs such duties, the governing body or chief executive officer, as appropriate to the form of government, may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a qualified purchasing agent certificate to serve as a temporary purchasing agent. With the approval of the Director, a contracting unit may appoint or reappoint a temporary purchasing agent for a maximum of one additional year following the end of the first temporary appointment. No contracting unit shall employ a temporary purchasing agent for more than two consecutive years.

- 1. (No change.)

2. Before granting approval to appoint or reappoint a temporary purchasing agent for a second year, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a purchasing agent. Any request to the Director shall provide the following information:

- i.-iv. (No change.)
- 3. (No change.)

(b) During the term of appointment of a temporary purchasing agent, a contracting unit’s bid threshold may remain at an amount up to the

maximum allowed for a contracting unit having appointed a person possessing a qualified purchasing agent certificate to serve as the purchasing agent, so long as the governing body has adopted a resolution authorizing such amount. Contracts awarded after a vacancy occurs in the office of a purchasing agent shall be subject to a bid threshold of \$17,500, or in the case of boards of education, the bid threshold established by the State Treasurer pursuant to N.J.S.A. 18A:18-3(b), until either the subsequent appointment of a person possessing a qualified purchasing agent certificate to serve as the purchasing agent or the appointment of a temporary purchasing agent pursuant to this section. A contracting unit shall notify its auditor upon a vacancy occurring in the office of a purchasing agent*, **unless the contracting unit’s auditor inquires, on an annual basis, whether the contracting unit has appointed either a purchasing agent or, in lieu of having appointed a purchasing agent, a temporary purchasing agent pursuant to this section.**

SUBCHAPTER 5. REGISTERED MUNICIPAL CLERKS

5:32-5.3 Vacancy in the office of municipal clerk by reason of departure of a registered municipal clerk

(a) When a vacancy occurs in the office of municipal clerk by reason of departure of a registered municipal clerk, the municipality’s governing body may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a registered municipal clerk certificate to serve as acting municipal clerk. With the approval of the Director based upon (a)2 and 3 below, a municipality may appoint or reappoint an acting municipal clerk for up to two additional one-year terms following the end of the first temporary appointment. No municipality shall have an acting municipal clerk for more than three consecutive years.

1. Prior to the end of the first year appointment of an acting municipal clerk, the governing body shall request, in writing, permission from the Director to appoint or reappoint an acting municipal clerk for an additional one-year term. A questionnaire approved by the Director shall be completed and included with the written request. A request for Director approval of a third one-year term shall follow the same procedure. The completed questionnaire and any documents submitted in support of said questionnaire shall be exempt from disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

2. Before granting approval to appoint or reappoint an acting municipal clerk for a second or third consecutive one-year term, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a municipal clerk. Any request to the Director shall provide the following information:

- i.-v. (No change.)
- 3. (No change.)

(a)

DIVISION OF CODES AND STANDARDS

**Notice of Administrative Correction
Uniform Construction Code**

N.J.A.C. 5:23-3.14

Effective Date: July 6, 2022.

Take notice that the Department of Community Affairs (Department) discovered errors within the building subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.14. This notice of administrative correction seeks to revise these errors, as follows:

1. At N.J.A.C. 5:23-3.14(b)10vii, the Department is revising an incorrect section number.

2. At N.J.A.C. 5:23-3.14(b)10xi, the Department uses the word “unit” throughout the section; this word is not used within the text of the International Building Code (IBC) and is, therefore, being deleted.

3. At N.J.A.C. 5:23-3.14(b)10xli, the word “dwelling” is deleted because it is not used in the IBC. In addition, the Department is correcting which line in the IBC is amended within the building subcode.

4. At N.J.A.C. 5:23-3.14(b)10xliv, the Department is correcting which line in the IBC is amended within the building subcode.

5. At N.J.A.C. 5:23-3.14(b)10l and li, the Department is including the word "unit" to refer to Type B units, consistent with the terminology in the IBC.

6. At N.J.A.C. 5:23-3.14(b)14xiv, a change is made to delete an erroneous word within the amendments to Section 1507.9.9, Flashing.

7. At N.J.A.C. 5:23-3.14(b)16viii, a change is made to reflect the heading of Section 1703.6 within the IBC.

8. At N.J.A.C. 5:23-3.14(b)16xii, a change is made to delete the word "the" within the amendments to the section, because this word is not in the IBC.

9. At N.J.A.C. 5:23-3.14(b)17viii, a change is made to the punctuation used for consistency with the usage within the IBC.

10. At N.J.A.C. 5:23-3.14(b)18iii and 19i, changes correct referenced section numbers for accuracy, consistent with the IBC.

11. At N.J.A.C. 5:23-3.14(b)22, changes delete the word "and" within the amendments to the section, because this word is not in the IBC.

The Department has requested that, and the Office of Administrative Law has agreed to, such corrections be made administratively. This notice of administrative corrections is published pursuant to N.J.A.C. 1:30-2.7.

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

SUBCHAPTER 3. SUBCODES

5:23-3.14 Building subcode

(a) (No change.)

(b) The following chapters of the building subcode are modified as follows:

1.-9. (No change.)

10. Chapter 11, Accessibility, shall be amended as follows:

i.-vi. (No change.)

vii. Section 1104.4, Multistory buildings and facilities, shall be deleted and the following shall be inserted:

...

1104.4.1 Small Buildings. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Except as provided in Sections [1104.4.1.1-1104.4.1.5] **1104.4.1.1-1104.4.1.4**, small buildings that are not more than two stories shall not be required to have an elevator(s) to provide a vertical accessible route between floors. Small buildings that are three or more stories shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

...

1104.4.4.2 In buildings, facilities, or portions thereof that primarily serve children, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.["]

1104.4.5 Limited Use Limited Access Elevators--the use of a Limited Use Limited Access Elevator shall be permitted in accordance with the provisions of 1109.7."

viii.-x. (No change.)

xi. In Section 1106.2, Groups I-1, R-1, R-2, R-3, and R-4, in item 1, "or Type B [unit]" shall be deleted and "or" shall be inserted between "Accessible [unit]" and "Type A [unit]." Additionally, insert the following at the end of item number 1: "Where additional parking spaces or parking lots are provided for visitors, the number of required accessible parking spaces shall comply with the Table 1106.1." Lastly, item number 3 shall be deleted.

xii.-xl. (No change.)

xli. Section 1107.7.2, Multistory units, shall be renumbered as Section 1107.7.1. The first sentence of this section shall be deleted and replaced with the following: A multistory dwelling unit or sleeping unit that is not provided with elevator service is required to be accessible as follows: The primary entrance to the unit shall comply with the requirements for a Type A unit and, where provided within the unit, a living area, kitchen, and

toilet and bathing facility that comply with Type A dwelling unit shall be provided on that floor. In the seventh line, "Type B [dwelling] unit" shall be deleted and "Type A unit" inserted in its place. Additionally, in the [seventh] **eighth** line, following the word "toilet," "and bathing" shall be inserted.

xlii.-xliii. (No change.)

xliv. Section 1107.7.5, Design flood elevation, shall be renumbered as Section 1107.7.3 and in the [second line] **first sentence** "and Type B units" shall be deleted. Additionally, the following exception shall be added: "Exception: When an accessible route is provided, all dwelling units served by the accessible route shall be Type A units."

xlv.-xlix. (No change.)

l. In Section 1110.2.2, Facilities serving Type A and Type B units in a single building, delete "and Type B" in the title and "or Type B **units**" in the first sentence.

li. In Section 1110.2.3, Facilities serving Type A and Type B units in [a] multiple buildings, delete "and Type B" in the title and "or Type B **units**" in the first sentence.

lii.-lviii. (No change.)

11.-13. (No change.)

14. Chapter 15, Roof Assemblies and Rooftop Structures, shall be amended as follows:

i.-xiii. (No change.)

xiv. In Section 1507.9.9, Flashing, "or where there [has] is a possibility of ice forming along the eaves causing a backup of water," shall be deleted.

xv.-xvi. (No change.)

15. (No change.)

16. Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:

i.-vii. (No change.)

viii. In Section 1703.6, Evaluation and follow-up inspection **services**, "in accordance with N.J.A.C. 5:23-4.26" shall be inserted after the second "assembly." Additionally, in the second and last sentence, "building official" shall be deleted and "construction official" shall be inserted.

ix.-xi. (No change.)

xii. In Section 1704.3, Statement of special inspections, "[the] registered design professional" shall be deleted and "person" shall be inserted.

xiii.-xxx. (No change.)

17. Chapter 18, Soils and Foundations, shall be amended as follows:

i.-vii. (No change.)

viii. New Section 1810.3.1.7 from Section 1816.9 of the 1996 BOCA National Building Code shall be inserted as follows: "Spacing[:]. The minimum center-to-center spacing of piles shall not be less than twice the average diameter of a round pile, nor less than 1 3/4 times the diagonal dimension of a rectangular pile. Where driven to or penetrating into rock, the spacing shall not be less than 24 inches (610 mm). Where receiving principal support at the end from materials other than rock, or through friction resistance, the spacing shall not be less than 30 inches (762 mm) except that for piles having enlarged bases formed either by compacting concrete or driving a pre-cast base, the minimum center-to-center spacing shall be 4 1/2 feet (1,372 mm). The spacing of piles shall be such that the average load on the supporting strata will not exceed the safe load-bearing value of those strata as determined by test borings or other approved methods."

ix.-xi. (No change.)

18. Chapter 23, Wood, shall be amended as follows:

i.-ii. (No change.)

iii. In Section 2303.4.6, TPI 1 specifications, "Section [104] **110.4**" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.

iv.-vi. (No change.)

19. Chapter 25, Gypsum Board, Gypsum Panel Products and Plaster, shall be amended as follows:

i. In Section 2503.1, Inspection, "Section [110.3.5] **110.3.6**" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.

20.-21. (No change.)

22. Chapter 30, Elevators and Conveyor Systems, shall be amended as follows:

i.-xv. (No change.)

xvi. In Section 3008.6.6, Two-way communication system, in the first sentence, “or an alternate location approved by the fire department [and]” shall be deleted.

23.-27. (No change.)

(a)

DIVISION OF CODES AND STANDARDS

Notice of Administrative Correction Uniform Construction Code

N.J.A.C. 5:23-3.21

Effective Date: July 6, 2022.

Take notice that the Department of Community Affairs (Department) discovered errors within the one- and two-family dwelling subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.21. This notice of administrative correction seeks to revise these errors, as follows:

1. At N.J.A.C. 5:23-3.21(c)3xii, the Department uses the word “all” within the modification; this word is not used within the text of the International Residential Code (IRC) and it is, therefore, being deleted.

2. At N.J.A.C. 5:23-3.21(c)4v and vi, the subparagraphs are flipped to match the IBC for chronological accuracy.

3. At N.J.A.C. 5:23-3.21(c)8i, the Department is correcting the location of “as applicable” as written in the IRC.

4. At N.J.A.C. 5:23-3.21(c)13, the Department is deleting “of this code” in three amendments, since these words are no longer within the IRC.

5. At N.J.A.C. 5:23-3.21(c)24vi, a change is made to correct the title of this appendix.

The Department has requested that, and the Office of Administrative Law has agreed to, such corrections be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

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

SUBCHAPTER 3. SUBCODES

5:23-3.21 One- and two-family dwelling subcode

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

(c) The following chapters or sections of the IRC/2018 shall be modified as follows:

1.-2. (No change.)

3. Chapter 3, Building Planning, shall be amended as follows:

i.-xi. (No change.)

xii. Table R302.6, Dwelling-Garage Separation, shall be amended as follows: In the column entitled “Material” and the rows entitled “From [all] habitable rooms above the garage” and “Structure(s) supporting floor/ceiling assemblies used for separation required by this section,” the text shall be deleted and “constructed with not less than a one-hour fire resistance rating (see N.J.U.C.C. FTO-13)” shall be inserted.

xiii.-xliv. (No change.)

4. Chapter 4, Foundations, shall be amended as follows:

i.-iv. (No change.)

[v. In Section R404.2.5, Drainage and dampproofing, delete “Sections R405 and R406, respectively.” and insert “Section R406.”]

[vi.] v. (No change in text.)

vi. In Section R404.2.5, Drainage and dampproofing, delete “Sections R405 and R406, respectively.” and insert “Section R406.”

vii.-ix. (No change.)

5.-7. (No change.)

8. Chapter 9, Roof Assemblies, shall be amended as follows:

i. In Section R903.4.1, Secondary (emergency overflow) drains or scuppers, in the last sentence of the first paragraph, “Sections 1106 and 1108 [as applicable] of the International Plumbing Code, as applicable”

shall be deleted and “plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted in its place.

ii. (No change.)

9.-12. (No change.)

13. Chapter 14, Heating and Cooling Equipment, shall be amended as follows:

i. (No change.)

ii. In Section M1405.1, General, “Chapters 34 through 43 [of this code]” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

iii. In Section M1406.1, General, “Chapters 34 through 43 [of this code]” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

iv. In Section M1406.2, Clearances, “Chapters 34 through 43 [of this code]” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

v. In Section M1407.1, General, “Chapters 34 through 43 [of this code]” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

vi.-viii. (No change.)

14.-23. (No change.)

24. The Appendices shall be amended as follows:

i.-v. (No change.)

vi. Appendix T, Solar-Ready Provisions—Detached One- And Two-Family Dwellings[, Multiple Single-Family Dwellings (Townhouses)] **and Townhouses**, shall be deleted in their entirety.

HEALTH

(b)

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF PUBLIC HEALTH INFRASTRUCTURE, LABORATORIES AND EMERGENCY PREPAREDNESS

OFFICE OF LOCAL PUBLIC HEALTH

Notice of Extension of Chapter Expiration Date Public Health Practice Standards of Performance for Local Boards of Health in New Jersey

N.J.A.C. 8:52

Take notice that the Commissioner of the Department of Health (Department) informed Governor Phillip D. Murphy that N.J.A.C. 8:52 was scheduled to expire on July 10, 2022, pursuant to the sunset provisions at N.J.S.A. 52:14B-5.1.

The rules at N.J.A.C. 8:52 establish the public health practice standards of performance for local boards of health in New Jersey. The chapter includes rules concerning public health practice, staffing, and nursing; administrative services; public health education and promotion; environmental health; assuring workforce competencies; community public health partnerships; monitoring health status; policy development; diagnosis and investigation of health problems and hazards; preventive personal health services and access to health care; enforcement of public health laws; health-related research; and evaluation of population-based health services.

The Department advised the Governor that it is currently undertaking rulemaking that would revise, update, and reorganize existing N.J.A.C. 8:52, and anticipates filing these revisions with the Office of Administrative Law for processing in the ordinary course. However, these revisions will not be adopted prior to the expiration of existing N.J.A.C. 8:52. The Commissioner, in consultation with the Public Health Council, has reviewed N.J.A.C. 8:52, and has determined that, pending the finalization of the anticipated rule revisions, the existing chapter remains necessary and should be readopted. The re adoption was presented to and approved by the Public Health Council on June 13, 2022, and filed with the Office of Administrative Law the same day.